

MINNESOTA CODE OF AGENCY RULES

RULES OF THE DEPARTMENT OF PUBLIC SERVICE

1982 Reprint



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DEPARTMENT OF PUBLIC SERVICE

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Rules and regulations of the Motor Bus and Truck Division of the Public Service Commission, Department of Public Service, in effect on September 15, 1970 with amendments of December 1, 1972, October 2, 1974, May 2, 1977 and November 19, 1977 incorporated herein.

CHAPTER ONE: PSC 1-6 MOTOR BUS AND TRUCK DIVISION

Rules governing operations of regular route common carriers of freight and passengers; permit, charter carriers and petroleum carriers.

PSC 1 Definitions.

A. These rules shall apply to every corporation or person who is operating as a regular route common carrier of freight or passengers, a permit carrier, charter carrier or a petroleum carrier transporting petroleum products in bulk, either in intrastate commerce or interstate commerce, as defined in Minnesota Statutes Annotated, Chapter 221. Every motor carrier shall compel compliance with the requirements of these rules where it is applicable to its employees.

B. Any motor carrier subject to these rules may in the conduct of its business provide for a higher standard of safety in its operations than is provided for herein. But no such safety standards of operations adopted by such carrier shall be inconsistent with these rules or contrary to law.

C. When used in these rules the letters shown below have the following meaning:

RRCC	means Regular Route Common Carrier
PC	means Petroleum Carrier
IRCC	means Irregular Route Common Carrier
CC	means Contract Carrier
CCP	means Charter Carrier of Passengers
LS	means Livestock Carrier
RC	means Reciprocity Carrier
LCC	means Local Cartage Carrier
IC	means Interstate Carrier

D. The term "shipper" shall mean the supplier of products to be transported.

E. Where terms are used in these rules or regulations which are not defined herein they shall have the ordinary practical meaning of such terms, as applicable to the transportation industry.

F. The term "owner" means a person to whom a certificate of title to equipment has been issued or who has lawful possession of equipment.

G. The term "exempt carrier" (as defined in Sec. 221.011, subd. 22, para. "g") shall include any person operating as such whether engaged in the pick-up and delivery of freight for a motor carrier or transporting freight under his statutory exemption, or both, except local cartage carriers as defined in Section 221.296, M.S. Exempt carrier is construed to include both intrastate and interstate commerce.

When a motor carrier is using an exempt carrier for pick up and delivery within such exempt carrier's exempt zone, the motor carrier shall be responsible to the shipper or receiver of the freight for loss or damage to his freight which is being transported, picked up or delivered by the exempt carrier, and the exempt carrier shall be responsible to the motor carrier for loss or damage to such freight while it is under his possession and control.

When an exempt carrier is operating under a contract with a motor carrier for the pick up and delivery of freight within his exempt zone he shall not be required to file contingent insurance. Where his vehicle is under lease to a motor carrier, he is required to file contingent insurance with the Commission.

H. Express carriage or expressage means the conveying of goods or chattels, including those of extreme value such as jewels, money, or antiques, by a regular route common carrier in a manner differing from the carriage of ordinary freight in affording greater care, security, rapidity of transit and quickness of delivery, and at higher rates than generally prevails for those regular route common carriers who are not express carriers.

I. "Headquarters area" as referred to in Section 221.011, para. 22, M.S.A. is defined to mean the municipality where a livestock trucker lives or which he shall designate in his application as his headquarters, and the unincorporated area around such municipality in which the livestock trucker ordinarily picks up the livestock which he transports, provided that the Commission, by order, may enlarge the carrier's headquarters area if it finds that it would be in the public interest to do so. The livestock trucker may not change his headquarters area without an order of the Commission.

J. Household Goods—The term "Household Goods" means,

1. Personal effects and property used or to be used by the owner in his dwelling.

2. Furniture, fixtures, equipment and property of business places and institutions, public or private, when a part of the stock, equipment, supplies or property of such establishments. It does not mean the movement of property of a business concern in the usual course of its business activities.

3. Articles, which because of their unusual nature or value, require the specialized handling and equipment customarily employed in moving household goods.

K. A "Charter Carrier" engaged in transporting passengers under charter shall be subject to the same rules relating to regular route common carriers of passengers.

L. 1. A "school activity" as referred to in Section 221.011, para. 21, M.S.A., in a definition of a "Charter Carrier" shall be construed to mean those activities sponsored and regulated by the school authorities, especially of or pertaining to such activities as debating, dramatics, music, and athletics, which form part of the life of the students, but are not part of the regular courses of study. The transportation of participants and student spectators accompanied by a mentor or counselor attending such school activities, when under the supervision or authority of the school, shall be construed to be a school activity, and shall not be that of a charter carrier.

2. A "Charter Carrier Permit" cannot be issued to a school district owning and operating vehicles covered by the provisions of Minnesota Statutes Annotated, Section 168.012.

M. A "Local Cartage Carrier," as defined in Section 221.296, M.S., is a permit carrier engaged in transporting property or freight "for hire" when the movement is entirely within an area composed of two contiguous cities of the first class (St. Paul and Minneapolis) and municipalities contiguous thereto and shall be subject to permit carrier rules. All motor carriers of freight engaged in local cartage as herein defined must obtain a local cartage carrier permit covering all vehicles used in such operation.

N. Permit carriers engaged in transporting petroleum products in bulk between points or places wholly within a single city or village or wholly within a single group of contiguous cities or villages or exclusively in interstate commerce shall be subject to the rules relating to "petroleum carriers."

O. The term "petroleum transport" means any vehicle, trailer or semi-trailer with a tank or tanks mounted thereon, or made an integral part thereof (other than the fuel-supply tank for the engine of such vehicle), which is filled or emptied while remaining on the vehicle and used for transporting petroleum products and is owned or operated by or for an authorized petroleum carrier.

P. The term "registered vehicle" shall mean the power unit.

Q. The term "fit and able" shall mean that the applicant is financially able to conduct the proposed business; that the applicant's equipment is adequate and properly maintained; that the applicant is competent, qualified and has the experience necessary to conduct the proposed business; that the applicant is mentally and physically able to comply with rules, regulations and statutes of the Commission.

R. The term "mobile home" shall mean a transportable structure built on a chassis and designed to be used for residential, commercial, educational or industrial purposes, with or without a permanent foundation, when con-

nected to the required utilities, and the term "mobile home" shall be deemed to include the following:

1. A double wide mobile home and/or sectional trailer defined as a mobile home, consisting of two or more sections, to be combined horizontally at the site, while still retaining their individual chassis for possible future movement.

2. An expandable mobile home defined as a mobile home with one or more room sections than can be folded, collapsed or telescoped while being transported and expanded at the site to provide additional cubic capacity.

3. A modular unit defined as a factory-fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

PSC 2 Commission action.

A. The Commission on request will furnish application forms to any person who desires to apply for a certificate of public convenience and necessity as an RRCC of passengers or freight, a permit or petroleum carrier certificate or petroleum carrier permit. Such forms respectively will indicate the required information.

B. 1. Applicants filing for certificates of convenience and necessity as a regular route common carrier or as a petroleum carrier pursuant to the provisions of Section 221.061, M.S.A., shall furnish the Commission with sufficient copies of the application to make service on all parties whom the Commission deems interested. Upon request, the Commission will advise the applicant of the number of copies required for such service.

2. The application of the petroleum carrier shall contain the following information:

a. Applicant's name. If a corporation, names and addresses of officers and if a co-partnership, the names and addresses of the co-partners. Applicant's principal place of business.

b. A statement of applicant's present authority as a petroleum carrier, if any.

c. A statement of the origin point or points from which and the destination points or counties to which applicant proposes to transport petroleum products.

d. A statement of applicant's equipment or the equipment applicant expects to devote to the operation if the certificate is granted, showing the make, year and gallonage thereof.

e. Applicant's financial statement brought down to as nearly current a date as possible.

f. Applicant's terminals or proposed terminals, if any.

g. An original and two copies thereof shall be signed by the applicant or some person authorized by him to sign in his behalf. His signature may be stamped or typed in on all other copies.

h. The application need not be verified.

C. Where the destination area in the certificate of a petroleum carrier is granted by counties, and a part of the corporate limits of any municipality lies in a county granted as a destination area in a certificate, the holder of such certificate is authorized to make deliveries to any place within the corporate limits of such municipality.

D. Cards are issued to all for-hire carriers, including local cartage carriers, for identifying the vehicle. Such cards will be called "Carrier Identification Authority" or "Cab Cards".

The "Carrier Identification Authority Card" or "Cab Card" must be carried at all times in a readily available place in the cab of the vehicle for which it was issued; that upon request it must be shown to identify authority granted and that the owner thereof has complied with all laws, rules and regulations of the Commission governing the operations for the type of authority granted.

All power units used in local cartage carrier transportation shall display identifying letters and assigned LCC permit number on both sides of the power unit on the doors. The numbers and letters shall not be less than one and one-half (1½) inches in height and one (1) inch in width and are to be legible at all times.

E. The name and post office address of the certificated, permit, and local cartage carrier must be shown on both sides of the power units on the doors on each vehicle and must be the same as shown in the certificate or permit. The lettering shall be not less than three (3) inches high, made by strokes no less than one-half (½) inch wide of a contrasting color, so as to be legible at all times.

F. At the time of making application for the issuance of a contract carrier permit, or for an extension or change of the authority of such a permit, the applicant shall file with his application a list of the customers, a copy of the contract or contracts, except a contract providing for armored car service which contract's existence may be attested to by providing adequate information in affidavit form, to substantiate the existence of each agreement between the carrier and consignee or consignor, for whom he proposes to transport freight under authority of said contract permit. Such contract carrier shall transport freight only for a person, firm or corporation who is on such list of customers under said permit. Names of customers on such list may be changed from time to time by the carrier on approval of the commission.

G. No continuance of any application or oral argument thereon set for hearing shall be granted unless the moving party shall file with the Commission a request therefor at least five (5) days prior to the day of hearing with a showing of good cause, provided that in cases of emergency arising less than five (5) days prior to the day of hearing a request for a continuance will be entertained by the Commission where the reasons are adequate and are stated in an affidavit to be filed with the Commission.

H. When, after hearing, a final order has been entered denying applicant a permit under the provisions of Section 221.121 M.S.A., the Commission will not accept another application for a permit for the same kind of transportation until the lapse of one year from the date of the order, except upon a showing of good grounds therefor.

When an application for a permit as a local cartage carrier has been denied, the Commission will not accept another such application for such permit until the lapse of one year from the date of the order, except upon the showing of good grounds therefor.

I. 1. *Failure of a regular route common carrier to commence operations upon the route granted within thirty (30) days after the date of the certificate of public convenience and necessity therefor shall be deemed an abandonment thereof.*

2. The compliance period in all orders involving new applications or extension of authority issued by the Commission shall be thirty (30) days from the receipt of such order by the person by whom compliance is to be made, unless otherwise ordered by the Commission, and failure to make such compliance as aforesaid shall render the order null and void and all proceedings in such matter shall be terminated.

J. *Failure of an RRCC to operate for a period of seven consecutive days over any route covered by the certificate of public convenience and necessity therefor without the written consent of the Commission shall be deemed an abandonment of service and cause for forfeiture of all rights granted, except when the route is closed or detoured by the State Highway Department or other governmental authority.*

K. If a regular route common carrier of freight is also an irregular route common carrier as defined in M.S.A., Chapter 221.011, paragraph 11, or a contract carrier, as defined in M.S.A. Chapter 221.011, paragraph 12, it shall not carry freight as a regular route common carrier and as an irregular route common carrier or as a contract carrier in the same vehicle at the same time.

L. No regular route common carrier may interchange freight with an irregular route common carrier or with a contract carrier.

M. Carriers holding authority both as a permit contract carrier and as an irregular route common carrier may engage in more than one of such types of

carriage at the same time with the same vehicle providing the vehicle is registered under both types of carriage.

N. Permit carriers may not interline freight with another permit carrier or with regular route common carriers, except that household goods carriers may interline with each other and local cartage carriers may interline with each other. This rule shall not preclude local cartage carriers from entering into contractual agreements with regular route common carriers or permit carriers for the pick up and delivery of freight within the area defined in Section 221.011 (17), M.S.

O. Whenever a petroleum carrier or a permit carrier of petroleum products violates the provisions of any of these rules or any law relating to the transportation of petroleum products by such carrier, in addition to the penalties prescribed by law for the violation thereof, the Commission may require such petroleum carrier to install on any or all of the petroleum transports owned or operated by him a mechanical time recording device which shall record the starting, stopping, and running time of each of such transports. The records made by such recording device shall be kept by the petroleum carrier for a period of not less than one year from the date of the record. Should the Commission order the installation of such recording device, the carrier shall install the same within sixty (60) days from the effective date of the order and thereafter no transport owned or operated by such carrier shall be placed into service until such a recording device has been installed thereon.

P. No permit shall be issued to any person under eighteen (18) years of age.

Q. Each application for temporary authority must be accompanied by a supporting statement designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Any shipper's statement accompanying said application must contain a certification of its accuracy and must be signed by the person or his authorized representative having such immediate and urgent need for motor carrier service. Any such supporting statement must contain at least the following information:

1. Description of the specific commodity or commodities to be transported (where the transportation of property is involved).

2. Points or areas to, from, or between which such commodities or passengers are to be transported. (If service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested.)

3. Volume of traffic involved, frequency of movement, and how transported now and in the past.

4. How soon the service must be provided and the reasons for such time limit.

5. How long the need for such service will likely continue, and whether the persons supporting the temporary application will support a permanent service application.

6. Recital of the consequences if service is not made available.

7. The circumstances which created an immediate and urgent need for the requested service.

8. Whether efforts have been made to obtain the service from existing carriers, and the dates and results of such efforts.

9. Names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal.

10. Name and address of motor carrier who will provide service and is filing application for temporary authority.

11. If the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address and motor carrier's number, if known, and state whether such application was granted or denied and the date of such action, if known.

R. Household goods carriers.

1. Whenever a household goods carrier gives a prospective shipper an estimate of charges, either verbal or written, covering the movement of shipper's household goods, said carrier shall issue a written order to his driver which shall show the name and pickup address of the shipper, the delivery address of the movement, the time of pickup, the items to be transported, and the estimate of charges for such movement. If, upon arrival at the point where the pickup is to be made, the driver finds that there are additional items to be transported other than those named in the order, or if for other reasons the estimate must be revised, the adjustment of the estimate must be noted on the order and signed by the shipper. A copy of said order or estimate must be given to the shipper.

2. The household goods carrier, at the time of loading the shipment, shall specifically call the shipper's attention to the released value of the goods as fixed in its tariff and by the rule in the following paragraph and shall notify the shipper that anything above the released value must be insured by the shipper if the shipper is to recover more than the released value in case of loss or damage. If the shipper shall request insurance coverage for the excess (or entire) value, upon tender by the shipper to the carrier of the cost of such insurance, the carrier shall obtain for the shipper a policy of insurance in the amount required by the shipper and at or before the time of the pick up of such goods shall deliver to the shipper evidence of such insurance coverage. If the carrier fails to notify the shipper in writing of the released value limita-

tion or that insurance coverage is available or any shipper has ordered and paid for insurance and the carrier fails to deliver evidence of such insurance coverage at or before the time of the pick up of the shipment, the carrier shall be responsible for the full value of all items of the household goods shipment lost or damaged while being loaded or transported or unloaded by him.

In the case of any intrastate move the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to \$1.25 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

The shipment will move subject to the rules and conditions of the carrier's tariff. Shipper hereby releases the entire shipment to a value not exceeding

(To be completed by the person signing below)

Notice: The shipper signing this contract must insert in the space above in his own handwriting, either his declaration of the actual value of the shipment, or the words "60 cents per pound per article." Otherwise, the shipment will be deemed released to a maximum value equal to \$1.25 times the weight of the shipment in pounds.

(Shipper)

(Date)

Provided that: Where the shipper is the employer of the actual owner of the household goods being transported and is responsible for all transportation charges in connection with such a move, the shipper may instruct the motor carrier to release the shipment to a value of 60 cents per pound per article (a) by specification made on a purchase order, or (b) by issuing, in advance of the shipping date, appropriate letters of instructions to the carrier. In such instances, the motor carrier must incorporate the instructions by reference to the document in (a) or (b) above in the bill of lading in lieu of the personal signature and handwritten statement relating to released rates.

The shipper may also elect in lieu of declared value, to purchase trip insurance covering up to full value of the shipment and the carrier shall be permitted to act as an agent in the writing of said insurance.

3. Where a carrier also engages in the storage of household goods and a shipper has stored his household goods with such carrier-storer and such carrier-storer has told the shipper that there will be no dock charges when said household goods are re-shipped, or where the storage receipt does not show that charges for dockage will be assessed at the time said goods are removed from such warehouse, then such warehouseman shall make no dockage charge whether the goods are transported by such warehouseman as carrier or through the services of another carrier.

4. Nothing in these rules shall be construed to hold a carrier liable for loss or damage where such loss or damage is due to a cause for which carrier is not liable by reason of the common law or the statutes of the State of Minnesota.

5. No carrier of household goods shall advertise or in any way imply or suggest that such carrier will provide storage service unless such carrier holds a warehouse license issued by the Commission, or unless the carrier has a currently existing written agreement with a licensed warehouseman providing for the storage of all property offered him for storage by such carrier.

6. No carrier of household goods shall advertise or in any way imply or suggest that such carrier is an agent of any other carrier unless there is a currently existing valid written agency agreement in effect in which the carrier of household goods is made an agent of the other carrier.

7. No carrier of household goods shall advertise or in any way imply or suggest that such carrier carries insurance which will cover damage or loss to household goods while being loaded or unloaded, or in transit or storage, or otherwise in the care or custody of the carrier, unless such carrier actually carries such insurance.

8. No certificated, permit, household goods or local cartage carrier shall advertise in any publication, including a telephone directory, unless such advertisement shall contain such carrier's Public Service Commission assigned authority number, and the appropriate identification letters.

S. Leased equipment.

1. Augmenting equipment—purpose of rule. A motor carrier may lease motor equipment from the owner thereof for use in operations conducted pursuant to the motor carrier's permit or certificate. The lease may include the services of a driver and nothing in these rules shall be construed to require that such a driver be an employee of the motor carrier lessee.

The purpose of these leasing rules is to insure that the primary responsibility for the conduct of regulated motor carrier operations remains in the author-

ized motor carrier, and that the members of the public using motor carrier services are clearly advised of the identity of the responsible carrier, and that the leasing of equipment by an authorized motor carrier from an owner thereof, is not a subterfuge for leasing the carrier's permit or certificate to the owner-lessor.

2. Required lease provisions.

a. The lease shall provide for the exclusive possession, control and use of the equipment, and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said lease, and the lessee shall be considered as the owner of said vehicle during the duration of the lease for all purposes, including public liability insurance, and registration of vehicles with the Department of Public Service.

b. The lease shall state the terms of compensation to be paid to the lessor by the lessee.

c. The lease shall state the date and duration of said lease.

d. The parties to the lease agreement may insert therein any other provisions not contrary to law, and not inconsistent with the rules of the Minnesota Public Service Commission.

3. Duties of the lessor and lessee.

a. The lease shall be executed in at least three copies—one executed copy shall be retained by the lessee, one executed copy shall be retained by the lessor, and one copy shall be kept with the leased equipment at all times during the term of the lease.

(1) The provisions of paragraph a. shall not apply between motor carriers that have authority as defined under Minnesota Statutes 221.011, Subd. 9, 10, 11, 12, 13, 21 and 24, nor shall it apply to Local Cartage Carriers as defined in Minnesota Statutes 221.296.

b. Lessee's name and address shall be displayed on both sides of the leased and registered vehicle in required lettering.

c. During the time that vehicles under lease are operated by the lessee, there shall be carried in such vehicle, bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, and which clearly indicate that the transportation of the property carried is under the responsibility of the lessee as an authorized carrier.

d. It shall be the duty of the lessee-carrier before taking possession of the equipment to have the same inspected by a qualified person to insure that said equipment is in safe operating condition. The person making the inspection shall certify the results thereof to the lessee, and a copy of such certification shall be carried in the motor vehicle.

e. All charges paid by a shipper or consignee for transportation services performed with use of leased equipment shall be paid to the lessee only, and the lessor shall exercise no control or dominion over such revenues. The driver of a leased vehicle may, when required, physically collect such charges from the shipper or consignee, but shall immediately deliver all said funds to the lessee.

f. All arrangements for transportation service, solicitation therefor, claims settlement, and all other aspects of motor carrier service, shall be conducted by, and in the name of, lessee only, and neither lessee, nor the lessor, shall by any method of service whatsoever, represent or imply, or suggest, to any shipper or consignee, that the motor carrier service being offered or rendered, is being offered or rendered by the lessor.

g. Nothing in these rules shall be construed to relieve the lessee, the lessor or the driver of any leased equipment from compliance with the laws, rules and regulations pertaining to the operation of motor vehicles on Minnesota highways.

PSC 3 Records.

A. All motor carriers authorized by the Commission must keep full and complete records including operating expense, operating revenue, miles operated, and otherwise as may be required when the vehicle is operated on an hourly basis in accordance with carrier's filed tariff. In addition, all motor carriers must keep a driver's log, subject to the exceptions in PSC 6. D.

For accounting regulations and filing annual reports refer to Rule PSC 43, Chapter Two, Motor Carrier Accounting Rules.

B. Freight bills, bills of lading, and all other records of motor carriers will be open to inspection and examination to the Commission and the agents thereof at all reasonable times and places.

C. The Commission may on application or upon its own motion, after notice, order any motor carrier authorized by the Commission to produce such records for examination when and where the Commission by order directs.

D. Where a dispute arises between a carrier, consignee or consignor, or a passenger, over a claim, any of the interested parties may refer the claim to the Commission for investigation.

E. 1. Each motor carrier shall issue or cause to be issued a bill of lading and a receipt bill for all merchandise picked up for shipment and shall issue or cause to be issued a freight bill showing the commodity or commodities transported, classification, rates charged, and total amount for transportation, and any other charges to be made under the tariff. The freight receipt and freight bills may be combined.

2. Petroleum carriers must issue a bill of lading and freight bill; one

copy of the bill of lading shall be delivered to the shipper and one retained by the motor carrier; and one copy of the freight bill shall be retained by the carrier and one copy thereof delivered to the consignee or consignor.

3. Pursuant to Chapter 221, M.S.A., the livestock bill of lading shall contain the following information:

- a. The date of its issue.
- b. The name of the person from whom the goods have been received.
- c. The place where the goods have been received.
- d. The place to which the goods are to be transferred.
- e. A statement whether the goods received will be delivered to a specified person, or to order of a specified person.
- f. A description of the goods, which may be in general terms.
- g. The signature of the carrier.

The uniform bill of lading used by a permit carrier for the delivery of livestock to a public stockyard shall be in quadruplicate, the first sheet of which shall be white, the second red, the third yellow, and the fourth goldenrod.

For purposes of expediting the handling of the livestock at public stockyards the permit carrier shall:

- h. Assign a brand to each owner.
- i. A bill of lading shall be made out for each consignee.
- j. A bill of lading shall be made for each kind or species of livestock transported.
- k. The bill of lading shall be presented and delivered to consignee or his agent at time of unloading at the public stockyards.
- l. The bill of lading shall be completed before the transportation is begun.

For the delivery of livestock by permit carriers at points or places other than public stockyards, any uniform bill of lading form meeting the requirements of Chapter 221, M.S.A., shall be lawful.

F. All carriers shall retain copies of all records including bills of lading and freight bills for at least three (3) years from the date covered by the document.

G. 1. Carriers operating under certificates as regular route common carriers or petroleum carriers shall present freight bills for payment of transportation charges and services rendered in connection with such transportation within ten (10) calendar days from the date of delivery of shipment. Carriers must collect the charges therefor within twenty (20) days from the delivery of shipment.

2. Permit carriers must present freight bills showing transportation charges at the time of delivery of the freight and shall collect such charges within thirty (30) days from the date of such delivery. If the consignee fails to pay such charges when the same are due, all further deliveries to such consignee shall be on a cash basis as long as consignee owes unpaid delinquent charges.

H. 1. All money collected on C.O.D. shipments must be remitted in accordance with terms of bill of lading within ten (10) days from the date of delivery of freight.

2. All money collected on C.O.D. shipments must be remitted in the amount shown on the bill of lading within ten (10) days from the date of delivery of the freight.

3. Where a C.O.D. shipment is refused or cannot be delivered, the carrier shall forthwith notify the shipper of such fact and request the shipper for instructions regarding the disposition thereof.

4. A regular route common carrier may, with the appropriate authority from the Commission, restrict its tariffs to the effect that such carrier will not handle C.O.D. shipments unless such carrier is to deliver such C.O.D. shipment.

I. Where loss or damage occurs on an interline shipment, the delivering carrier shall promptly investigate and determine the liability of all loss or damage claims on shipments and make payment to the claimant without requiring claimant to wait for payment until the matter of liability has been adjusted between carriers.

J. 1. A motor carrier operating under authority of the Commission must report to the Commission any accident involving any of its vehicles and resulting in loss of life, immediately, by telephone or telegram, giving the place, time, number of fatalities, and extent of known damage.

2. In accidents resulting in loss of life or requiring hospitalization or medical attention, or property damage amounting to or more than two thousand dollars (\$2,000), a summary report shall be made to the Commission within 48 hours of the time of said accident and a detailed written report of the accident made available to the Commission within fifteen (15) days.

3. A written report of accidents shall contain the following information: Name of carrier, principal business address, type of carrier, date of acci-

dent, time of accident, place where accident occurred, highway number, county, city, name and address of the driver of the vehicle, type of accident, collision, non-collision, whether accident involved fire or explosion, other vehicles involved, name of the owners, addresses, type of vehicles, names and addresses of persons killed or injured and so designated. Such written report may be made on the U. S. Department of Transportation motor vehicle accident report form.

4. Motor carriers shall specifically review the individual record of a driver involved in a serious accident so that reckless or accident-prone drivers may not continue to drive vehicles as a hazard to public safety.

K. No motor common carrier operating under authority of the Commission shall provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than nine months after delivery of the property or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier hereunder shall be liable, and such claims will not be paid.

PSC 4 Equipment.

A. 1. Every vehicle used by a regular route common carrier, petroleum carrier or permit carrier used in for-hire service shall be adequately equipped for safe operation upon the highways.

2. No lighting device other than electric lights shall be on any petroleum transport, regular route common carrier or permit carrier vehicle. Lighting circuits shall have suitable over-current protection (fuses or automatic circuit breakers). The wiring shall have sufficient carrying capacity and mechanical strength and shall be secured, insulated, and protected, against physical damage in keeping with recognized good practice.

3. Brake hoses and electric wire connections between tractor and semi-trailer shall be free from binding but shall not come into contact with any moving parts of the tractor.

4. All parts of the regular route common carrier or permit vehicle exhaust system carrying exhaust gases from the engine shall be constructed and installed in a workmanlike manner and in no case be exposed to accumulation of grease, oils, gasoline, or other fuels. The exhaust system shall be so constructed and maintained as to insure against any carbon monoxide gas entering in or accumulating in the driver's compartment. The exhaust gases of the engine after passing through the muffler and tail pipe shall not be allowed to discharge against any parts of the unit.

5. Recapped tires shall not be used, except in case of emergency, on

the front wheels of a regular route common carrier, permit vehicle or petroleum transport.

6. No motor vehicle operated under a permit or certificate shall have on any tire with fabric exposed through the tread or sidewall.

B. If a regular route common carrier or petroleum carrier so operates its vehicles as to require the keeping of records that could only be made by a recording device installed on the vehicles, then by order, the Commission may direct such installation.

C. A regular route motor common carrier shall not carry or display on its vehicles the advertising of any products, trade-marks, name or trade name other than the name of the carrier; provided, however, the Commission upon application may remove such restriction as to any specific carrier upon a showing that the removal of such restriction will not be contrary to public interest. This rule shall not apply to regular route motor common carriers of passengers.

D. Livestock carriers.

1. When permit vehicles carry livestock, each kind must be partitioned; calves and sheep may be carried in the same compartment; likewise, calves and cows. Large hogs must be partitioned from pigs. Bulls, horned or unruly cattle must be securely tied or partitioned from other cattle. When less than a full load is carried, partitions must be used so that the animals may be comfortably carried without jostling and falling.

2. Spare tires or other articles not used in the handling of livestock must not be carried in a compartment which also contains livestock. So far as practicable all racks and partitions shall be free from projections which might injure the animals carried; and may not be carried outside of the truck except when securely fastened and then only on the right side thereof.

3. Upper decks used in the transportation of livestock must at all times clear animals standing below. Cleated inclines or ramps must be provided for the loading or unloading of upper decks.

4. Floors of vehicles carrying livestock must be cleated, bedded, or sanded sufficiently to prevent slipping. Bedding may consist of shavings, straw, sand, fine gravel, sawdust or any other practical material.

5. During the period from June 15th to September 15th of each year and at all other times when necessary, livestock must be covered in such manner as to protect them from the sun; and during the period from November 1st to March 31st livestock carried shall be covered and otherwise sheltered in such manner as to protect them from inclement weather conditions.

6. Livestock shall not be loaded into a motor vehicle in such numbers so as to result in the crippling or smothering or otherwise injuring or killing an animal.

E. No motor carrier shall transport general commodities for-hire in a motor vehicle which he uses for the transportation of livestock unless such motor vehicle has been cleaned and washed, and no such motor vehicle shall be used for the transportation of household goods and food for human consumption unless it has been cleaned, washed and disinfected.

F. Petroleum carriers.

1. Every tank vehicle used to transport petroleum products or other hazardous commodities shall be constructed of such material so as to withstand road shocks, loaded or empty, and shall be clean bore, bulk headed or baffled; such tanks shall be equipped with proper tank vents as emergency venting facility and all drawoff valves and faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

2. All petroleum transports transporting flammable products as defined by Rule F. 12. herein shall have each compartment equipped with a reliable and efficient shut-off valve located inside of the shell of the tank in the compartment outlet and, except during delivery operation, these valves shall be kept closed.

3. The operation mechanism for these valves shall be provided with a secondary control, remote from the tank-filling openings and discharge faucets, for use in the event of accidents or fire during delivery operations.

4. The control mechanism shall be provided with a fusible section which will cause valves to close automatically in case of fire.

5. In every case there shall be provided, between the shut-off valve seat and discharge faucet, a shear section which will break under strain unless the discharge piping is so arranged as to afford the same protection and leave the shut-off valve seat intact.

6. Cargo tanks and vehicle chassis shall be electrically bonded.

7. Adequate provision shall be made prior to each filling of a petroleum transport for the grounding of any static charges that may be present.

8. All parts of the petroleum transport exhaust system shall be constructed and installed in a workmanlike manner and in no case be exposed to accumulations of grease, oils, gasoline or other fuels. In engine installations using a gasoline or like liquid fuels, butane, propane, mixtures thereof, or similar fuels, the exhaust system shall have ample clearance from fuel lines, and, in any case, free from combustible materials. The exhaust gases of the engine, after passing through the muffler and tail pipe, shall not be allowed to discharge against any parts of the unit.

9. Fuel-feed system. Every petroleum transport shall have all portions

of the fuel-feed system, including carburetor, pumps, and all auxiliary mechanisms and connections constructed and located as to minimize the fire hazards with no readily combustible materials used therein and shall, except for diesel fuel connections, be well separated from the engine exhaust system. A pressure-release device shall be provided where necessary. The fuel-feed lines shall be made of materials not likely to be corroded, of adequate strength for their purpose, well secured to avoid chafing or undue vibration, having a readily accessible and reliable shut-off valve or stop-cock. Joints depending upon solder for mechanical strength and liquid tightness shall not be used in the fuel system at or near the engine or its accessories, unless the solder has a melting point of not less than 340 degrees F., or unless a self-closing thermally-controlled valve set to operate at not exceeding 300 degrees F., or other equivalent automatic device, shall be installed in the fuel line of the fuel tank side of such joint.

10. Carburetor. If used, shall be constructed and installed as to minimize the hazards due to backfiring, and other hazards inherent in its use, and shall be provided with direct drainage for overflow gasoline.

11. Gasoline or diesel fuel tanks. Every petroleum transport vehicle shall have the fuel tanks so designated, constructed, and installed as to prevent no hazard not inherent in their purpose or use, and shall be so arranged as to vent during filling operations and permit complete drainage without removal from their mounting. The tanks shall be arranged so that no fuel will be spilled on any part of the exhaust system in the event of overflow or spillage. When the fuel tank or tanks described herein are constructed of a ferrous metal, the fill cap shall be constructed of a non-ferrous metal; and when the fuel tank is of a non-ferrous metal, the fill cap may be of a ferrous metal.

12. Every petroleum transport when the product being transported has a flash-point classified by the Department of Transportation as being "FLAMMABLE," regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, as follows: With a sign of lettering on the petroleum transport using the word "FLAMMABLE" or on vehicles transporting compressed gases using the words "FLAMMABLE COMPRESSED GAS" and the name of the gas, or "INFLAMMABLE COMPRESSED GAS" and the name of the gas.

13. No petroleum carrier or permit carrier of petroleum products shall carry or display on its petroleum transports the advertising of any products, trade-marks, name or trade name other than the name of the carrier; provided, however, the Commission upon application may remove such restriction as to any specific carrier upon a showing that the removal of such restriction will not be contrary to public interest.

G. All vehicles operated under a certificate or permit must comply with the provisions of Minn. Stat. § 169.73.

H. Every vehicle operating under a certificate or permit shall have two out-

side rear view mirrors of such size and shape to provide a clear view of the highway to the rear along both sides of the vehicle.

I. Every motor carrier shall systematically inspect and maintain all motor vehicles subject to its control to insure such motor vehicle's parts and accessories are in safe and proper operating condition. Such maintenance and inspection reports or records shall be maintained for each vehicle.

J. Every motor carrier operating more than one vehicle shall require its drivers to report and every driver shall prepare and report upon completion of duty all defects likely to affect the safe operation of the vehicle.

PSC 5 Safety. General application—safety regulations. For uniformity in compliance in the interest of public safety, the safety rules and regulations of the Public Service Commission shall apply to all persons engaged in the business of transportation of persons or property for-hire on the highways of Minnesota.

All rules and safety regulations prescribed in Code of Federal Regulations, Title 49, Parts 390-397, as revised October 1, 1975, and adopted by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, not in conflict with the laws of the State of Minnesota, and/or rules of the Commission, are hereby adopted as the safety rules and regulations of this Commission.

All rules and safety regulations prescribed in Code of Federal Regulations, Title 49, Parts 100 to 199, revised as of October 1, 1975, and adopted by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, designated as the hazardous materials regulations, not in conflict with the laws of the State of Minnesota, and/or rules of the Commission, are hereby adopted as the safety rules and regulations of this Commission.

Note: A copy of the safety regulations set forth in the Code of Federal Regulations, Title 49, Parts 390-397, as revised October 1, 1975, and referred to in PSC 5, is maintained in the offices of the Public Service Commission and the Department of Transportation in St. Paul, and is open and available to the general public for inspection.

A. Each motor carrier vehicle carrying passengers or commodities in for-hire service shall carry in an accessible position at least one fire extinguisher as follows:

1. On regular route common carrier and permit vehicles the fire extinguisher shall be of the type having a 5 B.C. rating of dry chemical or its equivalent.

2. On vehicles transporting petroleum products in bulk the fire extinguisher shall be of the type having a 10 B.C. rating of dry chemical or its equivalent.

B. Extinguishers shall be kept full at all times and must be recharged after use even though only partly discharged.

C. Each fire extinguisher shall carry attached thereto a tag showing the date that it was last filled or examined to make sure that it has not been tampered with or injured. The fire extinguisher must be designed, constructed, and maintained to permit visual determination of whether it is fully charged. Such examination shall not be less than once every three months.

D. Whenever a fire extinguisher is used, either partially or completely, the extinguisher shall be immediately inspected, recharged to manufacturer's specifications, and a new seal properly and immediately installed.

E. Motor carrier vehicles shall not be driven past fire of any kind burning on or near the highway or other thoroughfares until due caution shall have been taken to ascertain that such passing can be made with safety.

F. Passenger-carrying vehicles.

1. On passenger-carrying motor carrier vehicles no fueling, except units using diesel fuel, shall take place with passengers in the vehicle and no reserve supply of fuel shall be carried except in a properly constructed and mounted main fuel tank, cylinder or auxiliary tank except that this provision shall not be construed to prohibit the use of a properly constructed cargo tank for liquefied gases as a proper source of fuel supply.

2. Motor carrier vehicles engaged only in the transportation of passengers may not, at the same time, transport for-hire explosives or other inflammable property unless enclosed in a completely fireproof container and in a compartment separate from the passenger-carrying space.

3. Passenger-carrying motor carrier vehicles must equip all vehicles used for the transportation of passengers with a usable emergency exit door on the opposite side from the regular service door, and marked "Emergency Exit," or in lieu thereof such vehicles shall be provided with emergency escape kick-out or push-out windows. Each of such windows shall be in the form of a parallelogram having dimensions of not less than 18 inches by 13 inches and each shall contain an area of not less than 200 square inches. Such emergency escape kick-out or push-out windows shall be appropriately marked and shall at all times be kept in good working order so that the same may be opened easily in any emergency. The foregoing rule shall not apply to electrically-propelled buses manufactured prior to 1954.

4. Motor carrier vehicles engaged in intrastate transportation of passengers must not permit any passenger to stand in the space between the driver and the front door of the bus so as to obstruct the full view of the driver to his right and to right rear view mirror.

5. Passengers may not be discharged or received on the highway except

where the vehicle may be driven from the traveled portion of the highway, or from traffic lanes so as not to obstruct the roadway.

6. Motor carrier vehicles operated for the transportation of passengers must come to a full stop before passengers board or alight therefrom.

7. No motor carrier vehicle operated for the transportation of passengers shall discharge or receive passengers except from the right-hand side of such vehicle, except in case of emergency.

8. All passenger-carrying motor carrier vehicles must be maintained in a clean and sanitary condition, and when weather conditions require it, the vehicle must be heated so as to be reasonably comfortable.

9. All common carriers engaged in for-hire transportation of passengers shall carry a first aid kit. Such kit shall contain at least the following:

3-inch by 3-inch sterile gauze pads	package of 12
Gauze bandages as follows (each package opened to be replaced by an unopened package):	
1-inch by 10 yards.	3 packages
2-inch by 10 yards.	2 packages
3-inch by 10 yards.	1 package
¾-inch adhesive compress	package of 24
1-inch by 2½ yards adhesive tape	1 roll
40-inch triangular bandage with 2 safety pins	1 package
Burn ointment	1 ounce tube
Iodine applicator or applicator of other antiseptic solution	
of at least, equivalent bacteriological properties.	1 package
Wire or wood splint	1 package
Tourniquet.	1 package
Scissors	1

G. Petroleum transports.

1. During unloading of a petroleum transport, the fire extinguisher shall be out of the carrying device on the vehicle, ready for instant use, and must be fifteen feet or more from the unloading valves.

2. The petroleum transport compartments must not be completely filled. The free space (outage) or any compartment shall not be less than 1 per cent of its volume at time of loading.

3. In the event of a leak in the cargo-carrying tank of a petroleum transport, and such leak is of such a character as to make further transportation unsafe, the leaking vehicle shall be removed from the highway as far as practical, and extreme care must be exercised to prevent the spreading of the leaking liquid over a wide area. Effort must be made to confine the liquid by draining to a hole or a depression in the ground. Special care must be made to

divert the liquid away from streams or sewers if possible. If possible and practical, the leaking liquid should be diverted to containers.

4. A leaking cargo tank may only be transported the minimum distance necessary to reach a place where the contents of the tank or compartment may be disposed of with safety. Every available means must be utilized to prevent the leakage or spillage of the liquid upon the highway.

5. No repairs shall be performed on a petroleum transport, whether loaded or empty, except in such cases where repairs can be made without hazard.

6. No welding repairs shall be made to the cargo-carrying tank or compartment until it has first been made gas-free.

7. No petroleum products with a flash point under 200°F. shall be transferred from a petroleum transport to another vehicle, on any public highway, street or road, except in case of emergency, or under orders of State Highway Patrol or other public authority. In such cases, reflectors or flags shall be set out in the manner prescribed by law. In any event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazards involved in any such transfer or against the hazard occasioned by the emergency making such transfer necessary.

8. The fuel tank or tanks of any petroleum transport shall be filled prior to the commencement of each day's transportation and subsequent re-fillings shall be reduced to the minimum number necessary. If the engine is provided with an electric ignition system, it shall be turned off and the engine stopped during the refueling process; and if with a magneto, it shall be grounded.

9. No reserve supply of fuel shall be carried on any petroleum transport except in a properly constructed and mounted main fuel tank, cylinder or auxiliary tank except that this provision shall not be construed to prohibit the use of a properly constructed cargo tank for liquefied gases as a proper source of fuel supply.

10. No petroleum carrier shall furnish a portable auxiliary internal combustion engine driven pump to be used for unloading any petroleum transport of petroleum products with a flash point under 200°F.

H. In the event of an accident involving any motor carrier vehicle, every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, and to safeguard against the aggravation of the hazard present, and to warn other users of the highway.

I. Motor carrier vehicles shall not be operated unless they are in proper repair, void of accumulation of grease, oil or other inflammable material; road dust covering lights, name, identification plates; and free from leaks in the tanks, piping or valves.

J. Any motor carrier's equipment not found to be in safe operating condition, or not to comply with the laws or rules of the Commission governing the operations of motor carriers, shall be immediately placed out of service by the inspector, provided that if the cargo of such unsafe vehicles is perishable, the inspector may authorize its delivery under conditions and orders which such inspector shall regard as safeguarding the public safety.

K. All applications for identification cards shall have therewith a certificate, on forms furnished by the Commission, wherein the applicant certifies that all the vehicles for which cards have been applied, meet the safety standards of the Commission and no card shall be issued unless the vehicle to which said card is to be assigned, is covered by such certification.

PSC 6 Drivers.

A. Every motor carrier shall be responsible for the hiring, supervision, training, assignment or dispatching of its drivers. No motor carrier or its officers, agents, representatives or employees shall drive or allow one of its vehicles to be driven unless the person so driving possesses the following minimum qualifications:

1. Shall be licensed under the Chauffeur's Driver's License Law of the State.

2. Shall possess competency by reason of experience or training to operate safely the type of motor vehicle or motor vehicles which he drives.

3. Shall possess knowledge of those working rules and regulations issued by the Public Service Commission and the Minnesota Highway Traffic Laws pertaining to the driving of motor vehicles.

4. Shall have successfully passed a physical examination before a qualified doctor of medicine or osteopathy with the minimum requirements as follows:

- a. Mental and physical condition.

- (1) No loss of foot, leg, hand, or arm.

- (2) No mental nervous, organic, or functional disease, likely to interfere with safe driving.

- (3) No loss of fingers, impairment of use of foot, leg, fingers, hand or arm, or other structural defect or limitation, likely to interfere with safe driving.

b. **Eyesight.** Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors red, green, and yellow; drivers requiring correction by glasses shall wear properly prescribed lens at all times when driving.

c. **Hearing.** Hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.

d. **Liquor, narcotics and drugs.** Shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.

e. **Waiver of physical requirements.** Any person failing to meet the requirements of paragraph a. (1) or a. (3) of this section may be permitted to drive a vehicle, other than a vehicle transporting passengers, or a vehicle transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations (49 CFR 177.823) or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the said regulations, if the Commission finds that a waiver may be granted consistent with safety and the public interest, and grants such a waiver, on the basis of an application meeting all of the following requirements:

(1) The application must be submitted jointly by a person seeking relief to permit him to drive and by a carrier wishing to employ such person as a driver, who both agree to fulfilling all conditions of the waiver;

(2) The application must be accompanied by reports of medical examinations satisfactory to the Commission and recommendations by at least two medical examiners, at least one of whom shall have been selected and compensated by the carrier. Such reports and recommendations must indicate the opinions of the medical examiners as to the ability of the driver to operate safely a commercial vehicle of the type to be driven by him.

(3) The application shall contain a description, satisfactory to the Commission of the type, size, and special equipment (if any) of the vehicle or vehicles to be driven, the general area and types of roads to be traversed, the distances and time periods contemplated, the nature of the commodities to be transported and the method of loading and securing them, and the experience (if any) of the applicant in driving vehicles of the type to be driven by him.

(4) The application shall specify agreement by both the person and the carrier that the carrier will file promptly with the Commission such periodic reports as are required and that such reports will contain complete and truthful information as to the extent of the person's driving activity, any accidents in which he may be involved, and any arrests, suspensions, or convictions in which the person is involved.

(a) If the applicant motor carrier is a corporation, the application shall be signed by a corporation officer and the applicant driver.

(b) If the applicant motor carrier is a partnership, the application shall be signed by at least one of the partners and the applicant driver.

(c) If the applicant motor carrier is a sole proprietorship, the application shall be signed by the proprietor and the applicant driver.

(5) The applicants shall agree that the waiver shall authorize driving in intrastate commercial service for the applicant carrier only, that any arrests or convictions for violations of laws or ordinances, and any revocation or suspension of driving privileges will be reported to the Commission immediately on occurrence.

(6) The waiver shall not exceed 2 years and will be renewable, upon submission of a new application, if approved by the Commission.

(7) The waiver may be suspended at any time at the discretion of the Commission and may be canceled by it after the applicant has been given reasonable opportunity to show cause, if any, why such cancellation should not be made.

(8) A copy of the letter granting the waiver under this section, or a legible photographically reproduced copy thereof, shall be retained in the files of the motor carrier at its principal place of business during the period the driver is in the carrier's employment and 12 months after the termination of the driver's employment.

(9) Every driver granted a waiver under this section shall have in his possession while on duty a copy of the letter granting the waiver or a legible photographically reproduced copy thereof covering himself.

5. No certificate of physical fitness shall be effective for a period of more than twenty-four (24) consecutive months.

6. One copy of a valid certificate of the driver's physical fitness to operate a motor vehicle shall be kept in the records of the motor carrier and one copy shall be in the possession of the driver while driving the motor vehicle.

7. Shall be an employee of an authorized motor carrier or the owner thereof.

8. The doctor's certificate shall be substantially in the form used by the Motor Carrier Safety Regulations of the Federal Highway Administration.

B. No driver shall partake of any alcoholic beverage during the eight (8) hours immediately preceding the time of going "On Duty."

C. No driver shall drive or be required to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness or other causes as to make it unsafe for him to drive, or to continue to drive a vehicle nor shall he be required to knowingly be permitted to drive in such condition. Nor shall any driver go on duty while under the influence of, nor drink while on duty, any alcoholic beverage or liquor, whatever its alcoholic content, nor shall he knowingly be permitted to do so.

D. The driver shall not permit any person, other than employees of the motor carrier or an Inspector of the Commission while on inspection duty, to be transported in any motor carrier vehicle unless specifically authorized in writing by the carrier, provided, however, that nothing contained in this rule shall be so construed as to prohibit the carrying of a person or persons in case of an accident.

E. No motor carrier vehicle shall be driven unless the following required accessories are in place and ready for use in case of emergency:

1. At least one fire extinguisher, as provided in PSC 5. A., properly filled, securely mounted in a bracket, and available for immediate use.

2. Each driver shall have one electric portable lamp or lantern (commonly known as a "flashlight").

F. Every driver employed by a motor carrier shall at the end of his day's work or tour of duty report in writing to his employer any defect or deficiency of the motor vehicle used by him during such day's work or tour of duty, as would be likely to affect the safety or operation of the vehicle. Such reports shall be kept for six months and shall be attached to the record of corrections of defect or deficiency.

G. No driver shall operate a motor carrier vehicle until he has ascertained that said vehicle is equipped with the following parts and accessories in a safe and serviceable condition:

- Lighting devices and reflectors
- Brakes, service and parking
- Horn
- Dual windshield wipers and defrosters
- Dual rear vision mirrors
- Tires
- Steering mechanism
- Air pressure
- Warning devices or gauges
- Coupling device
- Flags and (flares or reflectors)
- Fire extinguishers of the capacity fixed in PSC 5. A. 1. and 2.

Petroleum transports shall be equipped with 3 electric flares or 3 red emergency reflectors in lieu of any burning flares.

Intercity buses and city operated vehicles shall not be required to carry flags or flares.

H. No motor carrier vehicle shall be set in motion until due caution has been taken to ascertain that the course is clear.

I. Drivers of petroleum transports.

1. Smoking on or about a petroleum transport by a driver at any time is forbidden.

2. Drivers of petroleum transports shall carry no matches other than safety matches.

3. No petroleum transport shall be driven recklessly, or so as to endanger life, limb or property.

4. Drivers shall avoid, as far as practicable, driving into, through or parking in or on congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings.

5. Every petroleum transport shall be operated by the driver in accordance with the law and ordinances of the state and its municipalities governing the regulation of traffic upon the streets and highways except that in no event shall a transport ever be operated upon such streets and highways to exceed the prevailing maximum speed limits.

6. Parking in congested places: Except where the necessities of the operation make impracticable the application of this rule, no driver of a petroleum transport unit shall park on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where persons work, congregate or assemble.

7. The driver shall securely set the hand brake or emergency brake when loading or unloading.

8. The driver of a petroleum transport shall shut off the motor during the making and breaking of hose connections while loading or unloading. If loading or unloading is done by gravity or by an auxiliary pump not attached to the power takeoff of power unit of transport, the motor of the transport shall be shut off throughout such operations, except in cold weather.

9. During loading or unloading operation the driver shall make sure that metallic contact or bonding is maintained so that the vehicle is properly grounded.

10. During loading, driver shall be in attendance at truck, and during unloading driver shall be in attendance at valves. "In attendance" is not to be construed to allow driver to remain in vehicle cab or other enclosure.

PSC 7 Hours of service and drivers log.

A. Compliance with, and knowledge of regulations required. Every motor carrier and its officers, drivers, agents, employees, and representatives shall comply with the following regulations, and every motor carrier shall require that its officers, drivers, agents, and employees and representatives be conversant with this part.

B. Definitions. As used in this part, the following words and terms are construed to mean:

1. On-duty time. All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. The term "On-duty" time shall include:

a. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

b. All time inspecting equipment or otherwise inspecting, servicing, or conditioning any motor vehicle at any time;

c. All driving time as defined in paragraph 2. of this section;

d. All time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth as defined in paragraph 7. of this section;

e. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

f. All time spent performing the driver requirements relating to accidents;

g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;

h. Performing any other work in the capacity of, or in the employ or service of, a motor carrier.

2. Driving time. The term "drive" and "driving time" shall include all time spent at the driving controls of a motor vehicle in operation. All stops made in any one village, town, or city, may be computed as one.

3. Seven consecutive days. The term "7 consecutive days" means the period of 7 consecutive days beginning at 12:01 a.m. on any day.

4. Eight consecutive days. The term "8 consecutive days" means the period of 8 consecutive days beginning at 12:01 a.m. on any day.

5. Twenty-four consecutive hours. The term "24 consecutive hours" means any such period starting at the time the driver reports for duty as defined in paragraph 1. of this section.

6. Regularly employed driver. The term "regularly employed driver" means a driver who in any period of 7 consecutive days is employed or used as a driver solely by a single motor carrier.

7. Sleeper berth. The term "sleeper berth" means a berth conforming to the requirements of # 393.76 of the Code of Federal Regulations.

C. Maximum driving and on-duty time.

1. Except as provided in paragraphs 3. of this section and in PSC 7. J. no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive more than 10 hours following 8 consecutive hours off duty or drive for any period after having been on duty 15 hours following 8 consecutive hours off duty: Provided, however, that drivers using sleeper-berth equipment, may cumulate the aforementioned total of at least 8 hours off duty in two periods of at least 2 hours each, resting in a sleeper berth, as defined in # PSC 7. B. 7.

2. No motor carrier shall permit or require any driver used by it to be on duty, nor shall any such driver be on duty, more than 60 hours in any 7 consecutive days as defined in # PSC 7. B. 3. regardless of the number of motor carriers using the driver's services. Provided, however, that carriers operating vehicles every day in the week may permit drivers to remain on duty for a total of not more than 70 hours in any period of 8 consecutive days.

3. The provisions of paragraph 1. of this section shall not apply with respect to drivers used wholly in driving motor vehicles having not more than 2 axles and whose gross weight does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Hazardous Materials Regulations, Title 49, Parts 1 to 199 of the Federal Code of Regulations, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.

D. Sleeper berth, occupation. No sleeper berth shall be occupied by more than one person at any time.

E. Travel time. When a driver at the direction of a motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he shall be considered off duty for the entire period.

F. Driver's daily log.

1. Except as provided in paragraph 20. of this section, every motor carrier shall require that a driver's log, on the Form as prescribed by the U. S. Dept. of Transportation, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Driver's logs shall be prepared and retained in accordance with the provisions of paragraphs 2. through 19. of this section.

2. Entries to be current. Drivers shall keep the log current to the time of the last change of duty status.

3. Entries made by driver only. Except that the name and principal place of business address of the carrier may be printed, all entries shall be made by the driver in his own handwriting.

4. Date. Enter month, day, and year for each calendar day on or off duty.

5. Total mileage. Total mileage entered shall be that mileage traveled while driving, on duty but not driving, and resting in a sleeper berth, as defined in PSC 7. B. 7. during the day covered by the log. Mileage while driving shall be shown separately.

6. Vehicle identification. The carrier's vehicle number or numbers or the State and license number or numbers of each vehicle or unit of a combination operated during the calendar day shall be entered.

7. Name of carrier. The name or names of the carrier or carriers shall be that or those for which duty is performed. When work is performed for more than one carrier on the same calendar day, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the carrier performing the transportation.

8. Driver's signature. The driver shall certify to the correctness of the log by signing his first name and last name in full and his middle name or middle initial, if any. Below the driver's signature he shall list the initials and last name of each codriver.

9. Home terminal. The driver's home terminal address shown shall be that at which he normally reports for duty.

10. Time base to be used. The log shall be prepared, maintained, and submitted, using the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight: Provided, however, that if written notification is given a carrier to the Minnesota Department of Public Service, State Office Building, St. Paul, Minnesota 55155, drivers of any

named terminal or terminals of the carrier may prepare logs for a 24-hour period beginning at noon of 1 day and ending at noon of the next succeeding day. For drivers preparing logs on a noon-to-noon basis, the term 7 or 8 consecutive days means the period of 7 or 8 consecutive days beginning at 12:01 p.m., on any day.

11. Line 1, Off duty. Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period or periods of time when the driver is not on duty, not required to be in readiness to work, or is not under any responsibility for performing work.

12. Line 2, Sleeper berth. A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off duty resting in a sleeper berth, as defined in PSC 7. B. 7.

13. Line 3, Driving. A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty driving a motor vehicle, as defined in PSC 7. B. 2.

14. Line 4, On duty not driving. A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty not driving specified in PSC 7. B. 1. a., b., d., e., f., g., h., or any other time on duty but not driving as defined in PSC 7. B. 1. and PSC 7. E.

15. Remarks. The appropriate time marker and the name of the city, town, or village, with State abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work starting to drive, on duty not driving, and where released from work. Explain the reason resulting in hours exceeding those permitted by PSC 7. C. Show the transportation performed each day by entering a shipping document number or numbers, or name of a shipper and commodity.

16. Total hours. The total hours in each duty status: Off duty other than in a sleeper berth; off duty in a sleeper berth; driving; and on duty not driving shall be entered, the total of which entries shall equal 24 hours.

17. Origin and destination. The name of the place where a trip begins and the final destination or farthest turn-around point shall be shown at the bottom of the log. If the trip requires more than 1 calendar day, the log for each day shall show the origin and final destination. If a driver departs from and returns to the same place on any day, the destination shall be indicated by entering the farthest point reached followed by the words "and return".

18. Filing driver's log. The driver shall forward each day the original log to his home terminal or to the motor carrier's principal place of business. When the services of a driver are used by more than one carrier during any calendar day, the driver shall furnish each such carrier a copy of the log containing full and complete entries including: The entry of all duty time for the entire day; the name of each such carrier served by the driver that day; and

the beginning and finishing time, showing a.m. or p.m., worked for each carrier. Motor carriers when using a driver for the first time or intermittently shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and time at which such driver was last relieved from duty prior to beginning work for such carrier.

19. Retention of driver's log. Daily logs for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon a written request to, and with the approval of, the Minnesota Department of Public Service may forward and retain such logs at a regional or terminal office. The driver shall retain a copy of each daily log for 30 days which shall be in his possession while on duty.

20. Driver's log, when not required. The requirement of this section shall not apply: (1) To livestock carrier, (2) To any regularly employed driver who drives wholly within a radius of 50 miles of the garage or terminal at which he reports for work: Provided, that the motor carrier employing such driver maintains and retains for period of 1 year accurate and true records showing the total number of hours the driver is on duty per day and the time at which the driver reports for and is released from duty each day; or (3) to drivers of motor vehicles having not more than 2 axles and whose gross weight does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in quantity as to require the vehicle to be specifically marked or placarded under the Hazardous Materials Regulations, Title 49, Parts 1 to 199, of the Federal Code of Regulations, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.

G. Adverse driving conditions. Except as provided in paragraph 2. of this section, a driver who encounters snow, sleet, fog, other adverse weather conditions, highways covered with snow or ice, or unusual road and traffic conditions during a run may drive or operate a motor vehicle, and may be required or permitted to drive or operate a motor vehicle, for not more than 12 hours in the aggregate following 8 consecutive hours off duty in order to complete that run, if he cannot safely complete the run within the maximum driving time permitted by PSC 7. C. 1. However, that driver may not drive or be permitted to drive after he has been on duty 15 hours following 8 consecutive hours off duty.

H. Emergency conditions. In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run could reasonably have been completed without such violation.

I. Relief from regulations. These regulations shall not apply to any carrier subject thereto when transporting passengers or property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster.

J. Drivers declared "Out of Service". Every Department of Public Service Transportation Representative or Minnesota Highway Patrolman is authorized to notify and declare "Out of Service" any driver whom he finds at the time and place of examination to have been on duty or to have driven or operated immediately prior to such examination, longer than the maximum period permitted by PSC 7. C., PSC 7. G., or PSC 7. H. No motor carrier shall permit or require a driver who has been notified and declared "Out of Service" to drive or operate nor shall any such driver drive or operate, any motor vehicle unless and until such time as he has met the requirements of the specified sections.

PSC 8 - 39 Reserved for future use.

CHAPTER TWO: PSC 40-47

Motor carrier tariff, accounting, and insurance rules.

PSC 40 Regular route common carrier and petroleum carrier tariff rules. All tariffs and classifications, supplements thereto and reissues thereof shall be prepared, posted and filed in accordance with the Rules of Tariff Circular MF No. 3, supplements thereto or reissues thereof, issued by the Interstate Commerce Commission and naming rules governing the construction, filing and posting of Freight-Rate Publications, except to the extent that such rules may contravene Minnesota Public Service Commission Orders or specific provisions of the Minnesota Statutes, and except that Freight-Rate Publications shall be filed on ten days' notice, except as otherwise specifically authorized by the Commission.

PSC 41 Permit carrier, except local cartage carrier, tariff rules.

A. All tariffs and classifications, supplements thereto and reissues thereof shall be prepared, posted and filed in accordance with the Rules of Tariff Circular MF No. 3, supplements thereto or reissues thereof, issued by the Interstate Commerce Commission and naming rules governing the construction, filing and posting of Freight-Rate Publications, except to the extent that such rules may contravene Minnesota Public Service Commission Orders or specific provisions of Minnesota Statutes, and except that tariffs and supplements thereto may be prepared with pen and ink or typewriter, in addition to the form of preparations authorized by Tariff Circular MF No. 3. Freight rate publications shall be filed on ten days' notice, except as otherwise specifically authorized by the Commission.

B. The Commission shall not accept for filing a tariff of rates from permit carriers which on its face appears to be non-compensatory. If the carrier filing the tariff is of the opinion that the rates are compensatory, he may file a petition for reconsideration which the Commission shall hear and make determination by a final order on the premises.

PSC 42 Alternation of rates. All tariffs shall provide for complete alternation of all rates and for application of the published rate which results in the lowest aggregate charge.

PSC 43 Motor carrier accounting rules.

A. For purposes of accounting regulations the Commission has grouped all motor carriers into the following classes:

Class I. Carriers having average annual gross operating revenues of \$200,000 or more from interstate and intrastate motor carrier operations.

Class II. Carriers who report to the Interstate Commerce Commission as Class II carriers of property having gross operating revenues of \$200,000 but less than \$1,000,000 may report to this Commission also as Class II carriers.

Class A. Carriers having average annual gross operating revenues of \$25,000 but less than \$200,000 from interstate and intrastate motor carrier operations.

Class B. Carriers having average annual gross operating revenues of less than \$25,000 from interstate and intrastate motor carrier operations.

Class C. All motor carriers operating under permit authority from this Commission but not reporting as Class I, Class A or Class B carriers.

B. All regular route common carriers of property or passengers, and all petroleum carriers operating under certificates granted by this Commission are classified as Class I, Class A or Class B carriers. Other carriers who report to the Interstate Commerce Commission as Class I or Class II carriers may report to this Commission also on the report forms prescribed for such classes by the Interstate Commerce Commission.

C. The class to which a carrier belongs shall be determined by the average of its annual gross operating revenues for the three preceding years. If, at the end of any calendar year, this average is greater than the maximum or less than the minimum for the class in which the carrier has been grouped, it shall be automatically grouped in the higher or lower class in which it falls. A motor carrier beginning new operations or extending existing operations shall be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

D. A motor carrier may, at its option, place itself in any group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission.

E. Uniform system of accounts and reporting forms. Class I motor carriers shall maintain their accounts and file annual reports in accordance with the

uniform system of accounts for Class I (or Class II) motor carriers prescribed by the Interstate Commerce Commission. Class A and Class B motor carriers shall maintain their accounts and file annual reports in accordance with the uniform system of accounts for Class A and Class B motor carriers prescribed by this Commission. Class C permit carriers shall maintain such records as will enable them to complete the annual report form prescribed by the Commission. All annual reports shall be filed within the prescribed time shown on report forms furnished by the Commission. Applicable schedules of such report forms shall be completed in full. Carrier's permit will be subject to cancellation if report is not submitted.

F. All regular route common carriers and petroleum carriers shall maintain their accounts and make annual reports to the Commission on a calendar year basis.

G. Copies of the "Uniform System of Accounts for Class I and Class II Common and Contract Motor Carriers of Property" prescribed by the Interstate Commerce Commission may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402. The I.C.C. "Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers" may be obtained from the Superintendent of Documents. The "Uniform System of Accounts for Class A and Class B Motor Carriers of Property or Passengers" may be obtained from the Minnesota Public Service Commission.

H. Livestock permit carriers shall maintain records of all transportation service performed under their livestock carrier permit which records shall separately show by revenue, what carriage covered the livestock and what carriage covered other commodities. This information shall be submitted annually by including it in the annual report.

I. Changes in uniform systems of accounts and in annual report forms shall not be subject to rules proceedings.

1. Any motor carrier or carriers or any petitioners subject to the regulations of the Commission and requesting a rate adjustment may be required to present exhibits including a detailed income statement and balance sheet for the latest calendar year as shown in regularly filed annual reports. Exhibits should also include latest available data, and an income statement for any period other than calendar year must be for a full twelve month period.

2. All motor carriers subject to reporting requirements of the Commission shall file with each annual report a copy of annual stockholders report if such a report is printed. Should a motor carrier furnish quarterly reports to stockholders a copy of each such report shall also be filed with the Commission.

3. All motor carriers who furnish quarterly reports to Interstate Commerce Commission shall regularly file a copy of such reports with the Public Service Commission.

PSC 44 Insurance—regular route common carriers of passengers and charter carriers of passengers.

A. Each insurance company insuring motor carriers operating under the authority of the Commission in Minnesota shall cover all motor vehicles whether specifically described in the policy or not by filing with the Commission a Certificate of Insurance, Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, provided by Section 1023, Title 49, Code of Federal Regulations, naming each carrier, respectively, insured thereunder; Notice of Cancellation of Motor Carrier Certificate of Insurance shall be on Form K, Uniform Notice of Cancellation of motor carrier insurance policies, as provided by Section 1023, Title 49, Code of Federal Regulations. Such forms shall be filed in triplicate.

If a bond is to be filed in lieu of an insurance certificate, it will be on Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond as provided by Section 1023, Title 49, Code of Federal Regulations; notice of cancellation of Motor Carrier Surety Bonds as provided by Section 1023, Title 49, Code of Federal Regulations. Such forms shall be filed in triplicate.

B. Public liability and property damage insurance must be filed with the Commission by all regular route common carriers of passengers and charter carriers of passengers operating under authority in the following minimum amounts for passenger equipment with a seating capacity of 12 passengers or less up to 33 passengers or more:

Limit for bodily injury to or death of one person \$100,000

Limit for loss or damage in any one accident to property of others (excluding cargo) \$50,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person) \$300,000

PASSENGER EQUIPMENT (Seating Capacity)	
12 passengers or less.	\$300,000
13 to 20 passengers, incl.	350,000
21 to 32 passengers, incl.	400,000
33 passengers or more	450,000

C. The above named certificate of insurance, Form E, must be filed with the Commission before the certificate of authority as a regular route common carrier or authority as a charter carrier shall be issued or within thirty (30) days after receiving the order from the Commission authorizing the certificate of public convenience and necessity or charter carrier permit. Failure to do so will be deemed grounds for suspension of the order without notice.

D. The carrier agrees to furnish to the Commission a duplicate original of

its liability and property damage policy or policies and all endorsements thereon whenever requested by the Commission.

E. Forms E, K, G and L shall be printed according to specifications set up by Section 1023, Title 49, Code of Federal Regulations, and shall contain the following contents respectively (forms are on file with the Commission and are open to public inspection):

Form E Public Liability and Property Damage Certificate of Insurance
Form K Notice of Cancellation of Insurance Certificate
Form G Public Liability and Property Damage Surety Bond
Form L Cancellation of Motor Carrier Surety Bond

F. Cargo insurance must be filed with the Commission by all regular route common carriers of passengers, who in addition transport freight, operating under authority in the following minimum amounts:

Vehicles with a manufacturer's rated capacity of 1½ tons or less \$2,000
Vehicles with a manufacturer's rated capacity of more than 1½ tons \$5,000

G. Each insurance company insuring cargo will file a cargo Certificate of Insurance, Form H, Uniform Motor Carrier Cargo certificate of insurance as adopted by Section 1023, Title 49, Code of Federal Regulations, naming each carrier, respectively, insured thereunder; Notice of Cancellation of Motor Carrier Cargo Certificate of Insurance shall be on Form K, Uniform Notice of Cancellation of Motor Carrier Insurance Policies, as adopted by Section 1023, Title 49, Code of Federal Regulations.

If a cargo bond is to be filed in lieu of an insurance certificate, it is to be filed on Form J, Uniform Motor Carrier Cargo Surety Bond as adopted by Section 1023, Title 49, Code of Federal Regulations. Notice of cancellation of Motor Carrier Surety Cargo Bond shall be on Form L, Uniform Notice of Cancellation of Motor Carrier Surety Bonds, as adopted by Section 1023, Title 49, Code of Federal Regulations.

PSC 45 Insurance—regular route common carriers of freight and permit carriers of freight.

A. Each insurance company insuring motor carriers operating under the authority of the Commission in Minnesota shall cover all motor vehicles whether specifically described in the policy or not by filing with the Commission a Certificate of Insurance, Form E, naming each carrier, respectively, insured thereunder; Notice of Cancellation of Motor Carrier Certificate of Insurance shall be on Form K. If a bond is filed in lieu of insurance, it shall be on Form G; notice of cancellation of motor carrier bond shall be on Form L. Such forms shall be filed in triplicate.

B. Public liability and property damage insurance must be filed with the Commission by all regular route common carriers of freight, permit and local cartage carriers of freight in the following minimum amounts:

Kind of equipment—all motor vehicles used in the transportation of freight only.

Limit for bodily injuries to or death of one person \$100,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person) \$300,000

Limit for loss or damage in any one accident to property of others (excluding cargo) \$50,000

C. The above named certificate of insurance, Form E, must be filed with the Commission before the certificate of authority as a regular route common carrier of freight or authority as a permit carrier of freight shall be issued or within thirty (30) days after receiving the order from the Commission authorizing the certificate of public convenience and necessity or permit authority. Failure to do so will be deemed grounds for suspension of the order without notice.

D. 1. Cargo insurance must be filed with the Commission by all regular route common carriers of freight operating under authority in the following minimum amounts:

- Vehicles with a manufacturer's rated capacity of 1½ tons or less. . . \$2,000
- Vehicles with a manufacturer's rated capacity of more than 1½ tons \$5,000

2. Local cartage carriers operating under authority of the Commission must file a third party liability bond with corporate surety in the amount of \$5,000 as provided in Section 221.296, Subd. 6, M.S., which bond must be a continuous bond.

E. Each insurance company insuring cargo will file a cargo Certificate of Insurance, Form H, Uniform Motor Cargo certificate of insurance as provided by Section 1023, Title 49, Code of Federal Regulations, naming each carrier, respectively, insured thereunder; Notice of Cancellation of Motor Carrier Cargo certificate of insurance shall be on Form K, as provided by Section 1023, Title 49, Code of Federal Regulations.

If a cargo bond is filed in lieu of insurance, it will be on Form J, as provided by Section 1023, Title 49, Code of Federal Regulations; such forms must be filed in triplicate.

F. The above named cargo certificate of insurance, Form H must be filed with the Commission before the authority is granted and within thirty (30) days after receiving the order from the Commission authorizing the certificate of public convenience and necessity. Failure to do so will be deemed grounds for suspension of the order without notice.

G. The carrier agrees to furnish to the Commission a duplicate original of its public liability and property damage or cargo insurance policy or policies and all endorsements thereon whenever requested by the Commission.

H. Forms E, G, H, J, K and L shall be printed according to specifications set up by Section 1023, Title 49, Code of Federal Regulations, and shall contain the following contents respectively (forms are on file with the Commission and are open to public inspection):

Form E Public Liability and Property Damage Certificate of Insurance
 Form G Public Liability and Property Damage Surety Bond
 Form H Cargo Certificate of Insurance
 Form J Cargo Surety Bond
 Form K Cancellation of Insurance Certificates
 Form L Cancellation of Surety Bonds

PSC 46 Insurance—petroleum carriers.

A. Each insurance company insuring petroleum carriers operating under the authority of the Commission in Minnesota shall cover all motor vehicles whether specifically described in the policy or not by filing with the Commission a Certificate of Insurance Form E, naming each carrier, respectively, insured thereunder. Notice of Cancellation of Motor Carrier Certificate of Insurance shall be on Form K; such forms shall be filed in triplicate.

If a bond is to be filed in lieu of insurance, it shall be filed on Form G; notice of cancellation of the bond shall be on Form L.

B. Public liability and property damage insurance must be filed with the Commission by all petroleum carriers operating under authority in the following minimum amounts:

Kind of equipment—all motor vehicles used in the transportation of petroleum products only.

Limit for bodily injuries to or death of one person \$100,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person) \$300,000

Limit for loss or damage in any one accident to property of others (excluding cargo) \$50,000

C. The above named certificate of insurance, Form E, must be filed with the Commission before authority as a petroleum carrier shall be issued or within thirty (30) days after receiving the order from the Commission authorizing the issuance of such authority. Failure to do so will be deemed grounds for suspension of the order without notice.

D. Cargo insurance must be filed with the Commission by all Petroleum Carriers operating under authority in the following amounts:

Vehicles or trailers with a load capacity of 1½ tons or less \$1,000

Vehicles or trailers with a load capacity greater than 1½ tons \$2,000

E. Each insurance company insuring the cargo of petroleum carriers operating under the authority of the Commission in Minnesota must file a Certificate of Insurance, Form H, naming each carrier, respectively, insured thereunder. Notice of Cancellation of Motor Carrier Certificate of Insurance shall be on Form K. If a bond is filed in lieu of insurance, it shall be Form J, notice of cancellation of such bond shall be on Form L.

F. The above named cargo certificate of insurance, Form H, must be filed with the Commission before the authority as a petroleum carrier shall be issued, and within thirty (30) days after receiving the order from the Commission authorizing the issuance of such authority. Failure to do so will be deemed ground for suspension of the order without notice.

G. The carrier agrees to furnish to the Commission a duplicate original of its public liability and property damage or cargo insurance policy or policies and all endorsements thereon whenever requested by the Commission.

H. Forms E, G, H, J, K and L shall be printed according to specifications set up by Section 1023, Title 49, Code of Federal Regulations and shall contain the following contents respectively (forms are on file with the Commission and are open to public inspection):

Form E Public Liability and Property Damage Certificate of Insurance

Form G Public Liability and Property Damage Surety Bond

Form H Cargo Certificate of Insurance

Form J Cargo Surety Bond

Form K Cancellation of Insurance Certificates

Form L Cancellation of Surety Bonds

PSC 47 Self-insurance.

A. Any motor carrier in for-hire service may file a petition with the Commission for authority to be a self-insurer of its public liability and property damage liabilities, pursuant to Chapter 221, M.S.A.

B. The application shall contain:

1. Name and address of applicant.

2. The Commission permit or docket number.

3. Financial statement giving details of assets and liabilities.

4. Statement of public liability and property damage losses for the immediately preceding five years.

5. A statement comprising an agreement of the carrier in the following form:

The carrier, if granted an exemption from the provisions of Chapter 221, M.S.A., which requires a filing with the Commission of public liability or indemnity insurance satisfactory to the Commission and in such amount as it shall prescribe, covering injuries or damages covering person or property arising out of its operation as such for-hire carrier, does hereby agree to the following:

a. That it will promptly investigate all claims made against it by any person, other than its own employees, for bodily injury or death of any person or loss of or damage to the property of others (excluding property designated as cargo) arising out of its operation under number and will either settle said claim promptly or notify the claimant promptly that his claim has been disallowed and that, in the event that such claimant shall obtain a final judgment against in a court of law on any such claim will settle and pay said final judgment promptly.

b. That it will file with the Commission a monthly report of all accidents involving all liability and property damage insurable under this agreement, and with an estimate of the extent of its possible financial responsibility.

c. That it will promptly notify the Commission of any change in its financial structure affecting its ability to meet its financial obligations under this agreement.

d. That it will file an annual financial statement truly disclosing its assets and liabilities as of the date thereof with the Commission on or prior to the anniversary date hereof.

e. That in the event of any unusual contingent liability or upon order of the Commission it will set aside a cash reserve in the estimated amount of such probable liability as is found by the Commission to meet the demand of any anticipated judgment to be recovered in the matter.

f. That failure by it to keep any and all of the terms hereof shall be sufficient grounds for the immediate cancellation of any authority which may be granted to it exempting it from the filing with the Commission of public liability and property damage insurance.

6. The application containing the foregoing shall be signed by the carrier and shall be verified.

C. Any order of the Commission granting to a for-hire motor carrier authority to self-insure under PSC 47. A. and PSC 47. B. shall be in substantially the following form:

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MINNESOTA

ORDER FOR SELF-INSURANCE

WHEREAS, the undersigned, is the holder of numbers issued by the Minnesota Public Service Commission and is operating as a carrier in the transportation of and as such is required to file and maintain with the Commission insurance and covering its public liability and property damage liability pursuant to the provisions of Chapter 221, M.S.A., and

WHEREAS, said carrier has applied to the Commission for exemption from the provisions of said section requiring the filing with the Commission of such insurance; and

WHEREAS, said carrier has filed with the Commission a properly authenticated financial statement, truly disclosing its assets and liabilities as of the date thereof, from which it appears that said applicant has adequate cash reserves on hand to pay all liabilities it may incur as such carrier;

NOW, THEREFORE, in consideration of the execution by the carrier of the attached application and the assumption by it of the obligations therein contained:

IT IS ORDERED:

ORDER

That the carrier having filed an application and the Commission having given due consideration thereto finds that the carrier be and hereby is granted exemption from the provisions of Chapter 221, M.S.A., requiring the filing of public liability and property damage insurance.

IT IS FURTHER ORDERED: That this order and the exemption therein authorized shall be subject to cancellation for cause; that in the event such cancellation is ordered the carrier must forthwith file satisfactory public liability and property damage liability insurance, failing in which it will be required to cease and desist from further operations until such insurance has been filed with and approved by the Commission.

BY ORDER OF THE COMMISSION
Secretary

Dated at Saint Paul, Minnesota,
this . . day of, 19 . .

D. Any interstate carrier furnishing a copy of Interstate Commerce Commission authority to be self-insured may be considered so by the Commission of Minnesota.

PSC 48 Insurance companies or bonding companies who file certificates of insurance or bonds with this Commission must be authorized and registered with the Department of Commerce, Insurance Division, to do business in the State of Minnesota.

PSC 49-64 Reserved for future use.

CHAPTER THREE: PSC 65-119

SPECIFICATIONS FOR HEAVY CAPACITY PIVOT SCALES

PSC 65 Introduction.

A. To what scales specifications apply. These specifications are intended to apply to all scales under the jurisdiction of the Track and Hopper Scale Division, which includes, but is not limited to, track scales, hopper scales, and oil tank scales at terminal elevators and requested points where weights are taken on grain and its by-products, or hay, straw and coal. They are intended to promote reasonable uniformity in scales for similar service without preventing progress or improvements. They do not apply to scales now in service but where a scale is found to be unreliable and unfit for service it shall be replaced with a scale to meet these specifications.

B. Special cases. In cases where strict adherence to a particular rule can be shown to work an undue hardship on the scale owner, the supervisor of scales is authorized to waive a rule or portion thereof if sufficient reason is indicated and a satisfactory alternative is provided. All requests for such waivers must be in writing and must be submitted prior to the issuance of a permit for the installation of the scale.

C. Plans to be furnished.

1. The manufacturer shall furnish to the purchaser assembly plans, showing location of all field connections and all information necessary for the purchaser to erect the scale.

2. The purchaser of a scale shall furnish to the supervisor of scales the foregoing plans, together with his plans, showing in detail the scale location, the construction and all commodity handling facilities and equipment, according to the class of scale and the purpose for which it is to be used.

D. Permits. A scale shall not be installed until the plans of manufacture and building have been approved by the supervisor of scales and a permit for the installation has been issued.

E. Scale approval. A scale shall not be approved until after these specifications, tolerances, and requirements have been completely carried out.

F. Definitions.

1. Terminal points in Minnesota are Minneapolis, St. Paul and Duluth and such other points as may be so officially designated by the Public Service Commission.

2. A requested point is a weighing station other than a terminal point where an industry has requested official state weights and where the scale or

scales in question have been approved by the Track and Hopper Scale Division.

G. Classification of scales. The specifications, as they are drawn up, cover and classify certain heavy duty scales into four different classes, according to the type of service to be performed and the method of weighing the commodity, viz.:

1. Railroad Track Scales, used in commercial and grain weighing service.

2. Hopper Scales, used in grain weighing at terminal or requested points.

3. Tank Scales, used in seed or vegetable oil weighing service at requested points.

4. A State Weight Scale is a scale on which grain and its by-products, or hay, straw or coal are weighed by a bonded state weigher of the Grain Weighing Division and an official state weight certificate is issued on such weight.

PSC 66 Pertaining to scales as classified in a general way.

A. Capacity required. The capacity of the scale shall be sufficient to meet the requirements of the heaviest service to which it is intended to be subjected.

B. Capacity defined. The capacity of a scale shall be equal to the weight of the heaviest load it will weigh without stresses being developed in the different scale parts that will impair the accuracy of the assembled scale. The strength of each member shall be determined by its weakest cross-section and scale parts shall not be stressed by loading beyond the rated capacity of the scale.

C. Design and fabrication of steel. The design and fabrication of steel shall be such that it will maintain the scale within the prescribed tolerance set forth in these specifications.

D. Weighbridge checking. Provisions shall be made for adequate checking or staying the weighbridge or scale live frame against any disturbing force that occurs when the load is applied, or other actions which have a tendency to move it out of position.

E. Extension levers to weighbeam. Scales shall not normally be designed or figured with additional levers between the scale proper and the weighbeam, other than what is known as the shelf lever. The overall length of this lever may be varied to suit, in locating the weighbeam. In exceptional cases where use of extension levers can be shown to be absolutely necessary, a minimum number of even-type levers may be permitted. In no case shall twister-type levers be permitted.

F. Steelyard rod. A steelyard rod shall be equipped with a turn-buckle.

G. Lock nuts. Bolts or turn-buckles used as a part of the connections shall be provided with lock-nuts.

PSC 67 Character of scale parts and finishing of same.

A. Character. All the scale parts shall be such that they are not unduly warped or unnecessarily imperfect.

B. Finishing. Each scale part shall be finished true to form and essential dimensions; and parts that are designed to have surfaces come in contact with other parts are to have the contacting surfaces finished to a true, even surface.

C. Dirt shields. The scale bearings and all other parts that are, or may be, subject to dust and dirt or other conditions, such as water and ice or foreign material, shall be protected in some form or manner by a suitable shield that will sufficiently guard these parts against such conditions.

D. Clearances: fixed and live parts. The clearance around and between the different scale parts of the lever system when assembled shall be at least one-half ($\frac{1}{2}$) inch. The clearance around and between all the structural fixed parts and the scale live parts shall be not less than one (1) inch after installation, except at points where other clearances are specified. An all-around clearance of the steelyard rod shall be not less than two (2) inches.

E. Field painting. The structural steel work and lever system shall be cleaned and painted with one coat (and preferably two coats) of paint in the field before acceptance.

PSC 68 Lever and fulcrum bearing stands. Design and dimensions. The stand shall be so designed that the upright position is centrally located in relation to the base, and the bottom surface of the stand shall be true and on a parallel line with the pivot knife-edge bearing surface. The dimensions of the stand shall be such that it will support correctly the proportional load imposed on it and remain in proper position under all loading up to the capacity of the scale it is designed for. Suitable means shall be provided for aligning and securely anchoring the stand in place.

PSC 69 Main load bearing stands. Stands. The top surface of the main load bearing stand castings that makes contact with the weighbridge girder or scale frame shall be finished true to a plane parallel to the surface of the bearing steel and so that all these stands will be the same height and level with each other when assembled in the scale. Holes shall be provided in the top of the casting, suitable for aligning and staying the stand in position and place.

PSC 70 Scale levers.

A. Character. Each scale lever shall be designed and built in such a manner

that it will not spring or deflect in any degree that will affect the accuracy of that lever when subjected to capacity loading.

B. Length. Each lever shall be reasonably true to its nominal length.

C. Multiple marking. On track and hopper scales the multiple shall be cast or otherwise permanently marked in plain figures on each lever.

D. Leveling lugs. Each lever shall be equipped with leveling lugs, spaced eleven (11) inches apart. The top surfaces of each pair of lugs shall be finished true to a plane, parallel to the pivot knife-edges.

E. Machined ways for nose irons. Levers that are to be equipped with nose irons shall have those portions of the lever receiving them machined true for the full distance over which the nose iron can be moved.

PSC 71 Lever nose irons on track and hopper scales.

A. Finish and placing. The surfaces of the nose iron that come in slidable contact with the lever shall be machined true so as to secure an accurate fit on the lever. The nose iron casting shall be of such design that when it is moved, the pivot knife-edge will remain in proper position in respect to the other pivot knife-edge in the lever.

B. Method of fastening. The nose iron shall be firmly fastened to the lever with bolts of a recognized standard size and thread. The bolts shall be so placed and used that indentations will not be made in the lever, and shall be independent of any means provided for moving the nose iron. The nose iron shall be held against the lever in the same direction as it is forced by the load.

C. Control of nose iron movement. The movement of the nose iron shall be controlled by an adjusting screw of suitable size and strength for the purpose for which it is to be used. The screw shall be made of a metal that will resist corrosion.

D. Marking of position. The position of each nose iron, as determined by the factory adjustment, shall be accurately, clearly and permanently indicated by a well-defined mark on the lever and on the nose iron, which marks shall meet on a common line.

PSC 72 Scale pivots.

A. Design. All pivots shall be designed and manufactured so that the sides joining to form the knife-edge shall make an angle that will not exceed ninety (90) degrees; that the tolerance for offset of the knife-edge of the pivot, as figured from the center line of the pivot at its base, shall be within ten per cent (10%) of the width of the pivot.

B. Fastening. All pivots shall be firmly fastened in position, without swedging or caulking.

C. Continuous contact. All pivots shall be mounted so as to secure equal and continuous contact of the knife-edges with their respective bearings for the full length of the parts designed to be in contact; in loop bearings the knife-edges shall project slightly beyond the bearings in the loops.

D. Position. The pivots shall be so mounted that each knife-edge in a given lever will be maintained in a horizontal plane; and so that a plane bisecting the angle of a knife-edge will be perpendicular to the horizontal plane established by the knife-edges of the pivots, and so that the knife-edges in a given lever will be parallel to each other.

E. Location of main lever load pivot. The load pivot of the main lever shall be so located in the lever that the imposed load will be carried in a direct line over the pivot knife-edge.

PSC 73 Anti-friction points and plates.

A. Anti-friction points and plates. Anti-friction points and plates shall be provided to limit the relative lengthwise displacement of all knife-edges with respect to their bearings and this lengthwise displacement shall not exceed one-eighth (1/8) of an inch and shall not be less than one-sixteenth (1/16) of an inch.

B. Material. The anti-friction points and plates shall be made of hardened carbon steel and the plates shall be at least as hard as the points which come in contact with them.

PSC 74 Bearing steels.

A. Physical properties. The bearing steel shall be equal or greater in hardness than the opposing knife-edges.

B. Design. They shall be so formed that the opposing knife-edge will remain centrally located and friction will be reduced to a minimum if contact is made with anti-friction plate. Self-aligning bearings shall be used wherever practicable.

C. Finish. The bearing surfaces shall be brought to a smooth, true and accurate finish to provide continuity of contact with the opposing knife-edges.

PSC 75 Weighbeam*.

A. Weighbeam standard and mounting. The weighbeam standard shall consist of cast iron pillars or their equivalent and a substantial shelf on which shall be firmly mounted, in correct position, a weight imposed fulcrum stand

* For Style and Capacity, see Specifications herewith incorporated for Railroad Track Scales, PSC 77, Paragraphs A. through D.; Grain Hopper Scales and Oil Tank Scales, PSC 86, Paragraphs A. through D.

and a trig loop stand. The elevation of the beam from the floor shall be approximately on the line of vision of an operator of average height.

B. Design. The beam shall be rigid and in proportion with the main levers of the scale. A shoulder or other substantial device for blocking shall be shaped or attached to the main bar, located so as to stop the poise and assure its taking the correct position at the zero graduation and at maximum capacity. The shoulder or blocking device shall act separately and have no connection with the pawl of the poise.

C. Finish. The beam shall be finished in the highest degree of workmanship and accuracy in all respects. The surface or track over which the main poise travels shall be straight and true and so formed that the poise will be guided and held on a true, even line, and roll smoothly over it.

D. Ratio marking. The tip ratio shall be an even multiple. The butt and tip ratio pull shall be marked on the main bar of the beam in a distinct and permanent manner, on all track and hopper scales.

E. Reading face plate. The reading face shall be laid out and marked on a rust-resisting, polished metal plate, fastened firmly and securely in place.

F. Reading face marking. The marking of the reading face for denoting the different weights shall be in clear-cut, durable lines and figures, fully distinguishable and non-confusing to the eye. The lines shall be uniform in spacing and parallel with each other and correspond correctly with the graduated weight intervals of the main bar.

G. Balance ball. A suitable weight shall be firmly attached to the weigh-beam main bar, so mounted that it can be raised or lowered within a reasonable distance. The back and forward movement of this weight shall be controlled by a self-contained hand-operated screw, and not by the act of rotating the weight.

H. Type figures. The type figures shall be made of a material suitable to withstand a reasonable amount of severe service performed and give a clear impression. They shall be fastened firmly and securely in place, so as to be in line and correspond correctly with the weight intervals of the beam.

I. Poise design. The poise shall be so designed that the accumulation of dust and dirt will be prevented as much as possible. It shall be mechanically built and so fitted that it will move in a smooth, even, true manner over the full distance of travel with the least possible effort and disturbance of the beam. The method or device used for setting or bringing the poise into the weight interval position shall be substantially constructed and so formed that it will be free from all undue or foreign interference with its correct operation. It shall be positive and accurate in setting at any of the weight intervals of the beam.

J. Identification of parts. Each beam shall be given a serial number which shall be stamped on the beam or plate.

K. Trig loop. The contact parts of the trig loop on track and hopper scales shall be made of non-magnetic material.

L. Play of the beam. The play of the beam in the trig loop shall be two percent (2%) of the distance from the trig loop to the knife-edge of the fulcrum pivot and, in no case, shall exceed one (1) inch.

M. Counterbalance weight. The counterbalance weight shall consist of a counterpoise hanger and separate weights. The hanger cup shall remain on the lower end of the rod and all other weights used placed over it by passing them over the hook end of the rod. No open slot weights shall be used in making up the weight as one unit. If the hanger is used alone and other weights are not needed, the cover of the cup shall be held in place by a threaded nut.

PERTAINING TO RAILROAD TRACK SCALES

PSC 76 Length of scale and number of sections.

A. Length defined. The length of a scale shall be considered as the effective weighing length of the scale live rails or the live platform.

B. Number of sections. No scale shall be installed with more than four (4) sections.

PSC 77 Weighbeam.

A. Capacity. The maximum graduated and marked capacity of the weighbeam shall not be greater than two (2) times the sectional capacity of the scale.

B. Style. The weighbeam shall be of the full capacity type-registering pattern.

C. Main bar graduations. The main bar shall be graduated in one thousand (1,000) pound intervals and such intervals shall not exceed six (6) to the inch.

D. Fractional bar. The graduations for the fractional bar on all track scales shall be twenty (20) pounds.

PSC 78 Scale location*.

A. Lateral clearance. The lateral clearance or the distance between any structure and the longitudinal center line of the scale deck or any car track shall not be less than eight (8) feet, six (6) inches.

* For Scale Approach, see Specifications herewith incorporated for Railroad Track Scales, PSC 88, Paragraphs C. and E.

B. Scale elevation. The scale deck shall be elevated to a point above the surface of the adjacent ground and all other conditions shall be so arranged that the flow of all water will be away from the scale. The prevention of water entering the scale pit from any source must be given full consideration.

C. Shed over grain scales. Scales over which grain or the by-products from same are weighed shall be completely covered with a suitable shed with end doors.

PSC 79 Scale foundation.

A. Soil bearing. If the soil on which the scale foundation is to rest has not a bearing capacity equal to four thousand (4,000) pounds per square foot, the bearing capacity shall be increased to the equivalent of that amount by the best engineering practice suitable for the existing conditions.

B. Material. The foundation shall be constructed of concrete. The qualities of the materials and the method of mixing and placing the concrete shall be in accordance with the railroad's specifications for first-class concrete or its equivalent.

C. Dimensions.* The foundation shall extend downward to a depth sufficient to provide a finished pit seven (7) feet deep, measuring from the top of the finished foundation wall to the top surface of the finished pit floor.

D. Footings or piers. The footings for the scale sections shall be of reinforced concrete, not less than eighteen (18) inches thick, or that which is equivalent, and of other dimensions proper and suitable for the design and capacity of the scale. The section piers shall be symmetrical and securely placed on or formed with the footings and rise above the pit floor at least six (6) inches. They shall be finished level and with proper elevation for the scale setting. If the scale is of a type having levers or scale live parts that hang below the base of the fulcrum stand, a bottom clearance of not less than six (6) inches shall be provided and a side all-around clearance of not less than two (2) inches.

E. Anchor bolts. Suitable anchor bolts shall be placed in proper position in the foundation for all the lever fulcrum stands. The bolts that are located in the section footings or lower part of the foundation shall not extend closer than six (6) inches from the bottom or lower surface of the concrete.

F. Anchorage for floating levers. For floating levers, that is, a lever that is anchored at the fulcrum, said lever shall be anchored so as to resist not less than twice the uplift produced at the fulcrum by a capacity loading of the scale.

* For the other inside dimensions of the pit, see Specifications herewith incorporated for Railroad Track Scales, PSC 88, Paragraph D.

G. Foundation walls. The foundation shall be a uniform continuous wall and for railroad track scales at least fifteen (15) inches thick. If the wall is exposed or subject to outside forces, such as freezing or packing earth, it shall be constructed with a uniform batter on the outer side, of not less than one (1) inch to the foot, with other staying and bracing if deemed necessary.

H. Scale house foundation and weighbeam support. The foundation for the scale house and the weighbeam support shall be a continuation and form part of the scale foundation wall, or if the weighbeam is to be located in an adjoining structure, the foundation shall be the same character and equally substantial.

I. Entrance to scale pit.* The entrance to the scale pit shall be through the floor of the scale house, through the foundation wall, or through the scale deck. In any case, a suitable means shall be provided to close the opening and a ladder or steps to pit floor shall be provided.

PSC 80 Assembling and setting of scale.

A. Fulcrum stands. All the fulcrum stands shall rest directly on concrete or that which is equivalent, without the use of inferior grouting, and shall be set in true position and held securely in place by proper anchorage.

B. Levers and connections. The scale levers shall be set level and in line with all the connections, plumb, and the pivot knife-edges centered truly and in their respective bearings.

C. Location of weighbeam. The weighbeam shall be located as close to the transverse center line of the scale as possible and on a line with the scale deck or platform.

D. Setting of weighbeam. The weighbeam shall be set with the reading face turned away from the scale proper so that when it is being used the person handling it will be facing the scale. The pillars supporting the weighbeam standard shall rest directly on the concrete without the use of soft filling of any kind and the complete standard shall be level and plumb and anchored securely in position.

PSC 81 Scale weighbridge.

A. Character. The scale weighbridge shall conform in all respects to the type and capacity of the scale.

B. Main girders. The main girders may be either of the continuous type or the non-continuous type, but with the non-continuous girder the joints shall be placed directly over the centers of the weighbridge bearings.

* For Scale Approach, see Specifications herewith incorporated for Railroad Track Scales, PSC 88, Paragraph E.

C. Design and fabrication. The weighbridge shall be designed and fabricated so that an evenly distributed loading will be carried on the scale sections. It shall have the proper transverse and lateral bracing and be sufficiently rigid to withstand capacity loads moving over it without causing harmful disturbance or displacement of scale parts. For steel requirements and fabrication see specifications herewith incorporated, Rule PSC 71, Paragraph C.

PSC 82 Weighbeam house.

A. Design. The weighbeam house shall be designed and built with a bay window on the side that is toward the scale deck or platform. The minimum inside width of the house shall be four (4) feet and the length shall be sufficient to allow for a central position setting of the weighbeam standard in the cove of the bay window. The window shall be of sufficient size to give a clear and unobstructed view of the scale deck or platform and scale approach at either end of the scale while standing at the beam in weighing position.

B. Scale lighting. Proper and sufficient lighting shall be provided for the weighbeam reading, the scale deck or platform at each end, and the scale pit.

C. Ventilation. If the conditions are such that ventilation is needed in the scale pit or in the weighbeam house to prevent or to overcome dampness and the rusting of scale parts, proper ventilation equipment shall be installed.

**PERTAINING TO GRAIN HOPPER
SCALES AND OIL TANK SCALES***

PSC 83 Scale capacity, location and clearance.

A. Scale capacity.

1. Grain hopper beam scales shall have a minimum capacity of 2,500 bushels.

2. Oil tank scales shall be of sufficient size and capacity so that the heaviest estimated load handled can be weighed in one draft.

B. Scale location. The scale shall be so located that it will be conveniently accessible for inspection and maintenance and so that standard test weights can be suspended from each corner of the weighbridge without interference. It shall not be located over an open pit or tank and it shall be protected from strong air currents and excessive vibration.

C. Hopper clearance. A clearance space of at least twelve (12) inches between the side wall of the scale hopper or tank and any part of the building or any other structure shall be provided and a six (6) inch clearance space at the top.

* For Automatic Bulk Weighing Systems, see Rule PSC 105.

D. Weighbeam location. The weighbeam shall be located on the same floor as the scale hopper and in such a way that there will be an unobstructed view of same from the weigher's office.

PSC 84 Foundation.

A. Foundation. The foundation or supporting structure for the scale shall be constructed so as to conform with good engineering practice and it shall be adequate in accordance with the rated capacity of the scale. It is to be level and free from settlement and variable alignment. The weighbeam supporting structure shall be a continuation of and an integral part of the main foundation for the scale.

PSC 85 Assemblage and setting of scale lever system.

A. Assemblage of parts. The scale is to be assembled and installed with each part being placed according to the manufacturer's designated and marked location.

B. Setting of fulcrum bearings. The fulcrum bearings of either the stand or plate and eye bolt pattern shall be set in the same correct, permanent manner. They are to be set solid, level and plumb, without the use of inferior filling and anchored securely in place.

C. Weighbeam setting. The pillars for the weighbeam standard, or dial, shall be set in the same manner as the fulcrum bearings and with the other parts making up the complete assembled standard, being placed properly and fastened firmly and securely in place.

D. Scale levers. The scale levers are to be set level, the connections plumb and the pivot knife-edge centered in their respective bearings.

E. Setting of weighbridge bearings. The weighbridge bearings shall be placed with the bearing steels on a true center line of their respective pivot knife-edges. They are to be plumb and level with the top surfaces, all on the same level plane.

F. Weighbridge. The weighbridge shall be of steel construction, so designed and fabricated that an evenly distributed loading will be carried on a direct line over the center of the load pivot knife-edges. It shall have a true, even rest on the bearing stands and shall be bolted securely thereto in true position without the use of inferior filling.

PSC 86 Weighbeam and accessories.

A. Style. The weighbeam shall be of the type-registering, fractional weigh-arm type, with counterpoise weights being used for the one thousand (1,000) pound multiples. The beam weigh-arm shall be graduated into five (5) pound intervals.

B. Counterpoise weights. The counterpoise weights shall have a ratio of one (1) pound to one thousand (1,000) pounds. They shall be made of a compact, dense metal, not softer than hard brass. They shall be uniform and true in dimension, according to the weight multiple, with flat, smooth surfaces, and free from flaws and sharp edges. The surfaces shall be reasonably permanent in wear-resistant qualities and non-tarnishable in finish. Each weight shall have the denomination stamped into the side surface, in plain, well-defined, distinct figures.

C. Counterpoise hanger. The counterpoise hanger shall be substantially designed and built, with the cup and the cup cover being fastened securely in place.

D. Weight rack. A suitable weight rack that will hold the weights and give them reasonable protection, shall be provided. It shall be located in a convenient position for quick handling of the weights.

PSC 87 Method of scale test. The method to be used in testing the scale for weighing accuracy shall be by the suspension of standard test weights at each corner of the weighbridge, suspended from a point as near as possible over the centers of the main bearings. A suitable permanent device to which the suspension equipment may be connected shall be properly located and placed on each corner of the weighbridge. There is to be no obstruction, such as machinery, spouting or insufficient wall clearance, etc., that will interfere with the free suspension of the weights. The required obstruction-free area under each center point shall be not less than ten (10) square feet and shall be in the form of a square with a mid-point directly under the center point.

RAILROAD TRACK SCALES

PSC 88 Location, dimensions and approach.

A. Scale length standardized. The scale shall be not less than fifty (50) feet in length and no scale with a rated capacity of less than seventy-five (75) tons per section shall be installed or re-located.

B. Scale length defined. The length of the scale shall be considered as the effective weighing length of the live rails, and in no case shall the length of these rails be greater than the distance between the centers of the end sections.

C. Scale location. The location of the scale must observe all clearance laws and shall be so located that there will be at least fifty (50) feet of straight track at each end of the scale.

D. Scale pit dimensions. The width of the scale pit, between the inside faces of the side walls shall be not less than ten (10) feet, and the clearance between the inside faces of the end walls shall be not less than 16 inches between the end lever fulcrum bearing and the end wall.

E. Approach piers. Concrete piers shall be built at each end of the scale, running parallel with the foundation side walls and extending back from the end walls, at least fifteen (15) feet. They shall be formed independent of the end walls and rest on a safe footing as to bearing capacity, so that a permanent, level approach to the scale will be maintained.

PSC 89 Scale rails.

A. Weight and section. The weight and section of the rails used for the scale, when the supporting elements are spaced two feet, six inches (2'6"), center to center, shall be not less than one hundred (100) pound rails and for greater spacing, the weight of the rails shall be increased accordingly. Full length rails, without splices, are desirable, but in any case new rails shall be used. If splices are necessary, they shall be accurately applied.

B. Live rail pedestals. The live rails shall be carried on metal pedestals, which are mounted on metal ties, or rest directly on the weighbridge girders, but in either case they shall have a true, even, full bearing. They shall be set so as to be centered in a line with the main bearing load pivot knife-edges and bolted firmly and securely in place, with the top surfaces in true line and level and all on the same plane.

C. Live rails. The scale live rails shall be set in true line and plane, free from settlement and anchored or stayed securely in place so as to prevent creeping.

D. Approach rails. The approach rails shall be set rigid and free from settlement, on a true line and plane with the scale live rails. Positive means shall be provided to prevent the rails from creeping, so that a permanent clearance space of a minimum of three-eighths ($3/8$) of an inch and a maximum of five-eighths ($5/8$) of an inch will be maintained between the ends of the rails adjacent to the live rails.

PSC 90 Scale deck construction.

A. Deck girders. If the deck girders are to support a dead rail track, suitable transverse steel I beams shall be used to carry it and all such steel beams and the setting of same shall conform to the specifications of the American Railway Engineering Association, or those of the railroad on which the scale is located. If a dead rail track is not required, the deck supporting armature shall be designed and built according to good engineering practice for such construction.

B. Girder clearance. The clearance between the bottom of the girders and the top of the weighbridge girders shall be not less than two (2) inches.

C. Material. The material for the deck covering can be either reinforced concrete, wood planking or other suitable material approved by the Commission, but in any case it must be impervious to dirt and water, and so de-

signed and finished that a permanent clearance between the deck and the live rails will be maintained.

D. Rigid deck clearance. The clearance between the live rail pedestals and the edge of the deck shall be not less than one and one-half (1½) inches.

E. Steel strips. The opening or space between the live rails and the scale deck, on a rigid deck, shall be completely covered by steel strips or plates. These strips or plates shall be not less than one-eighth (1/8) inch in thickness and so formed and fastened in place that they will not create any harmful friction or scale interference but may be easily thrown back or removed for inspection and cleaning. (See approved sketches for steel strips: Style A and Style B.) (See Page 24.)

PSC 91 Dead rail track. A dead rail track is recommended when the scale track is connected with other tracks at both ends of the scale and the scale can be approached from either direction by traction power of any kind, or when fast movement of cars over the scale is possible.

PSC 92 Motion weighing.

A. Scale design and construction. A track scale that is to be used in weighing cars while they are moving across the scale shall be designed and constructed with all the special details being considered and fully carried out that are particularly necessary in this method of weighing.

B. Length of live rail and car movement. The length of the live rails shall be such that, at speed not to exceed four (4) miles per hour, the load being weighed will be on the scale live rails a minimum of three (3) seconds.

GRAIN HOPPER SCALES

PSC 93 Scale location.

A. The scale shall be so located that the distance the grain is to be moved between the receiving pit and the scale will be as short a traveling distance as practicable.

B. The lever system and beam shall be on the same floor and the hopper shall be directly over the lever system.

C. Interferences. No pipes, signal wires or other obstructions of similar nature shall pass through a scale hopper or be attached thereto.

PSC 94 Receiving pit.

A. Capacity. The pit into which the grain is unloaded shall be designed and built so that it will hold an average load of grain.

B. Construction. The pit shall be substantially built, grain-tight, finished smooth on the inside and free from all obstructions. The bottom shall be so formed that the pitch or slope of same will be not less than forty-five (45) degrees at any point.

C. Discharge valve. The discharge valve shall be a substantial iron or steel grain-tight valve, equipped with a suitable device that will indicate the open and closed position of the valves. Where there are two or more receiving pits, from which the grain can be drawn and delivered to one scale, the discharge valves from the pits shall be arranged and constructed with a safety locking device that will prevent the grain being drawn from more than one pit at a time.

D. Grating and surrounding floor. The top of the pit shall be covered with a substantial grating, with a suitable entrance section for pit inspection. A substantial, grain-tight floor shall be laid around the top of the pit, of a sufficient area to allow a thorough clean-up of all spilled grain.

PSC 95 Receiving leg and grain movement.

A. Location of leg. The receiving leg shall be located adjacent to or as near as possible to the receiving pit.

B. Leg construction. The leg shall be substantially constructed, grain-tight and with sufficient clearance around the base for cleaning and inspection.

C. Grain movement. The grain movement from the receiving pit into the leg and from the leg to the garner shall be direct and positive and the grain handling equipment shall be such that the loss of grain in the movement shall be cut to a minimum.

D. Grain spouting. All spouting that is used for the movement of grain to and from the scale shall be substantial and grain-tight. In the case of a shipping spout it shall be direct and positive in grain movement to the loading point. If the spout passes through a bin or a concealed part of the building, it shall be encased so as to move any grain leaking from the spout to a point in the building where it will be noticed and returned to the point of origin.

PSC 96 Scale garner.

A. Location. A garner, holding approximately an average load of grain shall be constructed directly over the scale hopper.

B. Construction. The garner shall be substantially constructed, grain-tight, finished smooth on the inside and free from all obstructions. The bottom shall be so formed that the pitch or slope will be not less than forty-five (45) degrees at any point.

C. Discharge valve. The discharge valve or valves shall be of iron or steel, substantially constructed and grain-tight when closed. They shall be located

and placed in the bottom of the garner so as to assure a complete delivery of all grain and an evenly distributed load in the scale hopper.

D. Valve control. The device for operating the garner valves shall be located so as to be within convenient reach of the tip end of the weighbeam. Contiguous garner valve controls shall move in the same direction to perform similar functions.

E. Provisions for inspection. An opening of sufficient size to permit of entrance and a suitable ladder leading to the bottom of the garner and adequate lighting shall be provided.

PSC 97 Scale hopper.

A. Capacity. The scale hopper shall be of a capacity not greater than the rated capacity of the scale levers in wheat bushels.

B. Construction. The scale hopper shall be substantially constructed, grain-tight, finished smooth and free from all obstructions on the inside. The bottom shall be so formed that the pitch or slope will be not less than forty-five (45) degrees at any point. The discharge valve shall be made of iron or steel and so constructed that it will not leak. It shall operate freely so as not to cause any harmful scale disturbance.

C. Discharge valve control. The control for operating the discharge valve shall be located on the weighbeam side of the hopper, within convenient reach of the tip end of the beam and anchored or fastened to the live part of the scale. If there are two or more hopper scales in a given elevator, the valve controls shall all operate in like manner and move in the same general direction.

D. Sample opening and inspection window. A small boxed-in opening, about hand size, for sampling purposes, and a small inspection window shall be provided on the weighbeam side of the hopper, constructed and installed so as to be grain-tight.

E. Inspection door. There shall be a grain-tight door in the scale hopper, located near the top, sufficient in size to permit of entrance, and a suitable ladder leading to it.

PSC 98 Air release vents. Purpose and area. Air release vents of sufficient cross-sectional area to relieve the pressure caused by the movement of grain into the garner and from the garner into the scale hopper shall be provided and installed so as to assure of no scale interference from that source.

PSC 99 Dust control and dust curtains.

A. Dust. All possible precaution shall be taken and provisions made to keep the scale and surroundings free and protected from the grain, dust and chaff.

B. Dust curtains. The opening around the top of the scale hopper and around the outlet of the bottom shall be closed by canvas curtains, so arranged and installed that the outward flow of dust and chaff will be prevented and yet not interfere with the scale action.

PSC 100 Oil tank scales.

A. Capacity. The scale tank shall be of a capacity in commodity weight not greater than the rated capacity of the scale levers.

B. Construction. It shall be a substantially constructed, non-leaking tank with the bottom so formed that there will be a complete minimum drain-out when emptied.

C. Oil inlet pipe. The pipe line used in running the oil into the scale tank shall not extend down into the oil nor shall it be connected to the tank or any live part of the scale and there shall be no dripping or leakage after the flow of oil has been shut off.

D. Discharge valve. The discharge valve shall be of a substantial non-leaking type. It shall be attached firmly to the bottom of the scale tank so as to become a permanent fixed part of the live part of the scale. It shall operate freely to avoid disturbance of the scale parts.

E. Discharge pipe line. The discharge line shall be one-way, direct pipe to the car or receiving unit. It shall be free from pockets or any sagging or leaking condition. The pipe connection to the discharge valve shall be a tight screw-controlled union joint that can be disconnected and the pipe moved away from the valve so as to provide a clearance space of at least one (1) inch between the end of the pipe and the valve.

F. Working of valves. All valves in the discharge line that are used in connection with and control the flow of oil to various points from the scale tank, shall be plainly marked, indicating to what point each line leads, and the open and closed position of each valve. All such valves, as well as the markings showing the open and closed position of same, shall be plainly visible from a position in front of the scale weighbeam. Also, an indicator shall be provided that will show the connected or disconnected position of the union joint connection to the discharge valve.

PSC 101 Full capacity hopper beam scale. A full capacity hopper beam may be installed with a minimum graduation of either five (5) or ten (10) pounds, provided it is installed in a beam house that is reasonably dust-proof.

PSC 102 Tolerances.

A. 1. Scale tolerance—railroad track scales. The permitted tolerance for railroad track scales used in commercial weighing, including the weighing of coal, hay and straw, shall not exceed one (1) pound per thousand (1,000) pounds.

2. Scale tolerance—grain track scales. The permitted tolerance on track scales, on which grain and its by-products are weighed, shall not exceed one-half ($\frac{1}{2}$) pound per thousand (1,000) pounds.

3. Scale tolerance—beam hopper scales and oil tank scales. The permitted tolerance on beam hopper scales, including ratio tests, shall not exceed one-fourth ($\frac{1}{4}$) pound per thousand (1,000) pounds of test load applied.

B. 1. Sensibility reciprocal—railroad track scales. The permitted S.R. on railroad track scales used in the weighing of grain or its by-products, shall not exceed forty (40) pounds and on other track scales fifty (50) pounds.

2. Sensibility reciprocal—hopper and oil tank scales. The permitted S.R. on hopper and oil tank scales shall not exceed fifteen (15) pounds.

C. Counterpoise weights. The permitted tolerance to be allowed on calibration of counterpoise weights shall not exceed the values given in the following table:

Actual Value	Ratio-Value	Tolerance in Grains
1 pound	1,000 pounds	1.0
2 pounds	2,000 pounds	1.5
4 pounds	4,000 pounds	2.0
8 pounds	8,000 pounds	3.0

PSC 103 Semi-automatic printing scales.

A. Minimum graduations. The minimum graduations on automatic printing scales shall not exceed those established by the following table for the capacities shown:

Capacity	Minimum Graduation
1,000 through 5,000	1 pound
5,001 through 10,000	2 pounds
10,001 through 25,000	5 pounds
25,001 through 50,000	10 pounds
50,001 through 100,000	20 pounds

For any capacities above those shown special approval shall be required.

B. Printing mechanisms. Automatic scales shall be equipped with printing mechanisms.

If the weight indication is a printed record comprising figures only, there shall be added to the tolerance which would otherwise be appropriate, an amount equal to 50 per cent of the value of the increment between indications that can be printed by the device.

PSC 104 Scales and tolerances defined.**A. Scales.**

1. A Track Scale is a scale used for the weighing of railroad cars and the commodities carried in such cars.

a. A Railroad Track Scale is a track scale owned and operated by a railroad.

b. An Industry Track Scale is a track scale owned and operated by an industry.

2. A Grain Scale is either a Track Scale, Truck Scale or a Hopper Scale, on which the principal or main commodity weighed is grain or a grain by-product.

3. A State Weight Scale is a scale on which grain and its by-products, or hay, straw or coal are weighed by a bonded State Weigher and an official State Weight Certificate is issued on such weight.

4. Tolerance. A value fixing the limit of allowable error or departure from true performance or value.

PSC 105 Automatic bulk weighing systems*.**A. Specifications and tolerances.**

1. Stability of balance condition. When the weighbeam or indicator of a scale is displaced from a position of equilibrium to the full extent allowed by the construction of the scale, it shall return to this position after release. When a scale is equipped with a locking device or a relieving device or unit weights, repeated operation of the locking or relieving device or repeated application or removal of unit weights shall not materially affect the balance condition of the scale.

2. Interchange or reversal of parts. If a scale has interchangeable or reversible parts, these shall be so constructed that their interchange or reversal will not affect the balance or the accuracy of the instrument. Scale parts which are susceptible of interchange or reversal in normal field assembly either shall be so constructed that their interchange or reversal will not materially affect the accuracy of the scale or the parts shall be so marked as to indicate proper positions.

3. Weight graduations.

* See PSC 65 C. ante, which provides that assembly plans be furnished. These plans must be approved before the scale may be installed.

a. Character, width, marking. Weight graduations on a weighbeam or reading face shall be clear and distinct and in no case shall their width be less than 0.008 inch, nor more than the width of a minimum clear interval between the graduations. On any bar of a beam, all graduations shall be equal in width. On any reading face corresponding graduations shall be equal in width, and main graduations shall not be more than 50 per cent wider than subordinate graduations. The graduations on a beam or reading face shall be of such character and arrangement and shall be so numbered that all weight indications may be accurately read.

b. Clear interval between graduations. The clear interval between weight graduations on a weighbeam or reading face shall not be less than 0.03 inch. This interval is to be measured between the adjacent edges of successive graduations representing the smallest subdivision and along the line of travel of the index of the indicator or poise. The required interval shall be maintained whether or not the graduations are "staggered" or arranged alternately; that is, when the graduations are staggered the interval shall be construed to be the space from one graduation to the next consecutive graduation extended, if necessary, to intersect the line of measurement. When the graduations on a reading face are not parallel, the interval shall be construed to be the widest separation of the graduations which is included within the travel of the index of the indicator. When the graduations are not equally spaced throughout the range of a reading face, the interval is to be measured between the graduations most closely spaced.

4. Balancing and leveling means. A scale shall be provided with a mechanical device or other means by which the balance condition may be adjusted. All loose material used for the balancing of a scale shall be securely enclosed.

5. Facilitation of fraud. A scale shall be of such design and construction that it does not facilitate the perpetration of fraud.

6. Protection. The installation of any scale shall be such as to ensure the necessary protection for the lever system and the under side of the platform against wind and weather effects.

7. Shift test of scales. A scale having four main load bearings shall give results accurate within tolerances when a load of one-quarter capacity or less is placed so that its center of gravity lies as nearly as may be over any one of the main load bearings.

8. Indicating elements on automatic-indicating scales.

a. Attachment. On an automatic-indicating scale, the reading face, or the indicator, whichever is designed as the stationary element, shall be securely fixed in position; the moving element of the combination shall be securely attached to its operating mechanism. However, the specification shall not be construed to prohibit the employment of a movable auxiliary reading face or a movable auxiliary indicator designed to be rotated or moved in

reference to a fixed reading face or a fixed indicator, respectively, for the purpose of "balancing out" tare weights or for similar uses.

b. Zero indication. An automatic-indicating scale shall have a definite and clear zero indication and shall be susceptible of giving an indication back of the zero graduation sufficient clearly to disclose an out-of-balance condition. These requirements shall be fulfilled whether the entire reading face is graduated or the graduations commence at a fixed load.

c. Design. A weight indicator on an automatic-indicating scale shall be so designed and constructed that its indications are definite and may be read with precision.

d. Length. The indicator shall reach to the graduations; or if the indicator and the reading face are in the same plane then there shall not be a separation of the ends of the graduations and the end of the indicator of more than 0.03 inch, this distance to be measured along the line of the graduations.

e. Width. The relation between the widths of the indicator and the graduations with which it cooperates shall be as follows: If all graduations are of equal width, the width of the index of the indicator shall be equal to the width of the graduations; if main graduations are wider than subordinate graduations, the width of the index of the indicator shall not exceed the width of the main graduations and shall not be less than the width of the subordinate graduations. When an indicator extends along the entire length of a graduation, then that portion of the indicator which may be brought into coincidence with the graduation shall be the same width throughout.

9. Damping device. An automatic-indicating scale shall be equipped with an effective dash-pot or other equivalent damping means whenever the incorporation of such a device is necessary in order to bring the indicating elements quickly to rest.

10. Unit weights. The total value of all unit weights in place at any time shall be automatically indicated on the reading face. The mechanism for applying and removing unit weights shall be positive in its operation and shall provide for the rapid addition and removal of unit weights; it shall be controlled by some means conveniently located and operated in a simple manner from the outside of the housing; it shall function properly irrespective of the speed of operation.

11. Security of adjustment of automatic-indicating element. A pendulum, a spring, or other corresponding automatic-indicating weighing element shall be securely held in adjustment and shall not be adjustable from the outside of the scale; that is, a partial disassembling of the scale mechanism or of the housing shall be required to reach any adjustable parts provided. (This requirement is not to be construed to include within its purview the means provided for adjusting the zero balance condition of a scale.)

12. Increasing-and-decreasing-load test on automatic-indicating scales. When tests are being made with both increasing and decreasing loads on an automatic-indicating scale, the indications on all increasing loads shall be within the regular tolerances specified, and also at any given load the range between corresponding observations for increasing and decreasing loads shall not be greater than the sum of the tolerances in excess and deficiency for the load in question.

13. Maintenance of equipment. All equipment in weighing service and all mechanisms and devices attached thereto or used in connection therewith shall continuously be maintained in proper operating condition throughout the period of such service.

14. Suitability of equipment. Weighing equipment shall be suitable for the service in which it is used with respect to all elements of its design, including but not limited to its weighing capacity, the character, number, size and location of its indicating or recording elements, and the value of its minimum graduated interval.

15. Use of adjustments. Weighing elements that are adjustable shall be adjusted only to correct those conditions that such elements are designed to control, and shall not be adjusted to compensate for defective or abnormal installation of accessories or for badly worn or otherwise defective parts of the assembly. Any faulty installation conditions shall be corrected, and any defective parts shall be renewed or suitably repaired before adjustments are undertaken. Whenever equipment is adjusted, the adjustments shall be so made as to bring performance errors as close as practicable to zero value.

16. Method of operation. Equipment shall be operated only in the manner that is obviously indicated by its construction or that is indicated by instructions on the equipment.

17. Assistance in testing operations. If the design, construction, or location of a large-capacity scale is such as to require a testing procedure involving special accessories or an abnormal amount of handling of test weights, such accessories and needed assistance in the form of labor shall be supplied by the owner or operator of the scale, as required by the state scale inspector.

18. In adjusting equipment for accuracy, the effort should be to adjust as closely as practicable to zero error. Tolerances are primarily accuracy criteria for use by the state scale inspector. Equipment owners will not be permitted to take advantage of tolerances by deliberately adjusting their equipment to have a value or to give performance at or close to the tolerance limit, nor will the repair or service men be permitted to bring equipment merely within tolerance range when, by the exercise of reasonable skill and with the expenditure of a reasonable amount of time and effort, adjustment closer to zero error can be accomplished.

19. Garner and scale valves must be equipped with an interlocking system so that it will be impossible for both to be open at the same time.

20. Adequate safeguards must be provided to ensure that no one can enter the tower in which the scale and garner are enclosed while weighing is in progress.

21. Adequate sealing facilities must be provided on all turnheads leading to and from the scale.

22. The dialhead, console and printing mechanism must be so located as to be visible at all times to the weigher in order that he can make a visual comparison of both the indicated and printed weight.

23. No automatic bulk weighing installation will be permitted unless a satisfactory method of check weighing is provided at the site.

24. The scale must be so designed that a condition of imbalance on the minus side of true zero will not register as zero on the recording mechanism.

25. The dialhead, console and printing mechanism must be located in a substantially dust-free room provided with temperature control which will ensure accuracy of operation.

26. The scale must be equipped with a visual indicating element, regardless of the existence of any printing or recording mechanism provided in addition thereto.

27. The minimum capacity of the scale hopper shall be 10,000 pounds, or equivalent bushel capacity based on 60-pound wheat.

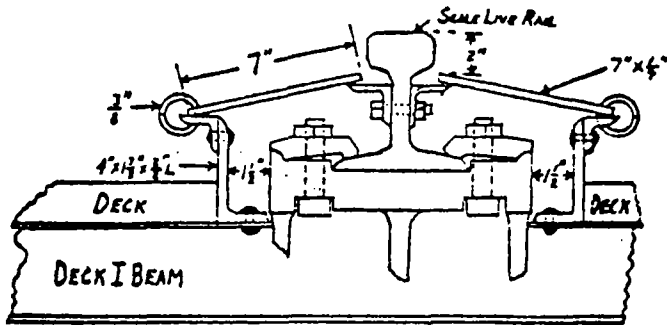
28. For scales with a capacity of 10,000 to 25,000 pounds, the minimum graduation on the dial shall not exceed five pounds. For scales with a capacity in excess of 25,000 pounds, the minimum graduation on the dial shall not exceed ten pounds.

PSC 106-119 Reserved for future use.

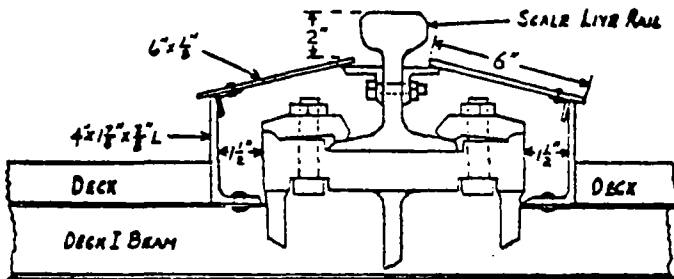
(Sketches referred in PSC 90 E.)

WEATHER GUARDS

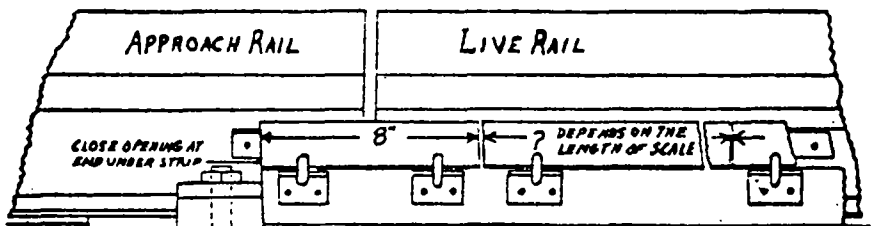
STYLE-A



STYLE-B



APPLIES TO BOTH STYLE A AND B



CHAPTER FOUR: PSC 120-145

SPECIFICATIONS, TOLERANCES AND OTHER TECHNICAL
REQUIREMENTS FOR COMMERCIAL WEIGHING
AND MEASURING DEVICES

REP 2593-9A

4 MCAR S 3.0120 Standards for commercial weighing and measuring devices.

A. Promulgation of existing code by reference. Excepting the requirements of the final sentence in 'Scales,' S.1.6.3. (Customer's Indications) and as set forth in B.-D., the specifications, tolerances and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44, 4th Edition, 1976, are adopted by reference as the standards of the State of Minnesota for such devices. However, if Handbook 44 contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public Utilities Commission, Minnesota law or Public Utilities Commission rule shall govern.

B. Fuel pump sales; measurement and price computation. The following are permissible methods for measurement and price computation of fuel pump sales:

1. Measurement and price computation per gallon;
2. Measurement and price computation per liter; and
3. Measurement and price computation per half-gallon.

However, equipment placed in service after December 31, 1982, shall not use method 3, and after December 31, 1983, all measurement and pricing by half-gallon shall be permanently discontinued.

C. Advertisements. Regardless of the method used in B., all roadside signs and similar advertisements of motor fuel offered for retail sale shall indicate the price per gallon or price per liter.

D. Liter-gallon price comparison. In the case of per liter sales there shall be posting of per gallon and per liter prices at the device, service island, and premises of the establishment in accordance with state and local laws, regulations and ordinances. Posting shall be in a manner which facilitates consumer comparison between the per gallon price and the per liter price.

PSC 121 For animal and livestock scale. The basic maintenance tolerance shall be 1 pound per 1000 pounds of test load (0.1 percent). The acceptance tolerance shall be one-half of the basic maintenance tolerance.

PSC 122 Scales and weighing devices. General specifications.

A. Pivots.

1. Positioning. All pivots or knife-edges shall be firmly secured in or to the levers.

2. Material. The material used for pivots shall be either:

- a. Special alloy pivot steel (SAE 6195 or 52100) hardened to Rockwell C scale not less than 58, or
- b. Carbon steel hardened to Rockwell C scale not less than 60.
- c. Agate may be used for prescription scales and balances.

3. Design. All pivots shall be sharp and bear throughout the entire length of the parts designed to be in contact.

B. Bearings.

1. Finish of bearing steels. The bearing surfaces shall be brought to a smooth, true and accurate finish to insure continuity of contact with opposing pivots. (The term "bearing" used in these specifications refers to the entire surface which is designed to be in contact with the edge of a knife-edge or pivot.)

2. Material. The requirements shall be the same as those set forth in section A., 2., a. and b.

C. Approaches. A vehicle scale shall have at least twelve feet or a distance equal to one-third of the deck length, whichever is greater, of straight hard surface driveway on either end of the scale not over one-third inch per foot out of level of platform. The first 6 feet on both ends shall be constructed of reinforced concrete.

D. Proper position of weighing and measuring devices used in trade for vending. The position or location of all weighing and measuring devices shall be determined by the Weights and Measures Division, but in no case shall the device be placed for use in such a position or location that the indications cannot be easily read by all parties interested. (The permissible distance between the device and a reasonable customer position will depend upon the size and character of the indicating elements of the device.)

E. Submission of plans. The manufacturer shall furnish to the purchaser plans of design showing detailed dimensions for all scale parts and the material of which they are to be fabricated; also assembly plans showing location of all field connections and all information necessary for the purchaser to erect the scale. If it is so deemed necessary by the Weights and Measures Division the purchaser may be required to submit to said department for approval the foregoing plans, together with his detailed plans for the construction and location of the scale to be installed, including the foundation thereof.

F. Livestock scales. Livestock scales in sales pavilions, buying stations, stockyards and packing plants shall be equipped with full capacity type-registering weighbeams or automatic weight recorders.

G. Scale pits. The scale pits on all motor vehicle and livestock scales shall have 48 inch minimum distance between the weighbridge I-beam and the floor of the pit.

H. Pitless-type scales. A self-contained or pitless-type motor vehicle or livestock scale shall not be used in any one location for any time period longer than 130 calendar days. If the self-contained or pitless motor vehicle or livestock scale remains in the same location for more than 130 calendar days, a pit shall be constructed in conformance to existing Minnesota regulations.

PSC 123 Reserved for future use.

PSC 124 Reserved for future use.

PSC 125 Liquefied petroleum gas liquid measuring devices. Temperature correction of liquid meters for liquefied petroleum gas. When liquefied petroleum gas is sold or delivered to a consumer as a liquid and by liquid measurement, the volume of liquid so sold and delivered shall be corrected to a temperature of 60°F. through use of the volume correction table that follows, or through use of an approved meter with sealed automatic compensating mechanism. All sale tickets shall show the delivered gallons, the temperature at the time of delivery and the corrected gallonage, or shall state that temperature correction was automatically made. This section shall not apply to unit sales or deliveries made direct to mobile fuel tanks consisting of less than 100 gallons.

VOLUME CORRECTION FACTOR TABLE
Specific Gravities at 60° F./60° F.

Temp. Degrees Fahr.	0.500	Pro- pane 0.5079	0.510	0.520	0.530	0.540	0.550	0.560	Is-o- Bu- tane 0.5631	0.570	0.580	N- Bu- tane 0.5944
Volume Correction Factors												
-35	1.140	1.135	1.134	1.128	1.122	1.116	1.112	1.106	1.103	1.101	1.096	1.094
-30	1.134	1.129	1.128	1.122	1.116	1.111	1.106	1.101	1.100	1.096	1.092	1.090
-25	1.127	1.122	1.121	1.115	1.110	1.105	1.100	1.095	1.094	1.091	1.087	1.085
-20	1.120	1.115	1.114	1.109	1.104	1.099	1.095	1.090	1.089	1.086	1.082	1.080
-15	1.112	1.109	1.107	1.102	1.097	1.093	1.089	1.084	1.083	1.080	1.077	1.075
-10	1.105	1.102	1.100	1.095	1.091	1.087	1.083	1.079	1.078	1.075	1.072	1.071
-5	1.098	1.094	1.094	1.089	1.085	1.081	1.077	1.074	1.073	1.070	1.067	1.066
0	1.092	1.088	1.088	1.084	1.080	1.076	1.073	1.069	1.068	1.066	1.063	1.062
2	1.089	1.085	1.085	1.081	1.077	1.074	1.070	1.067	1.066	1.064	1.061	1.060
4	1.086	1.082	1.082	1.079	1.075	1.071	1.068	1.065	1.064	1.062	1.059	1.058
6	1.084	1.080	1.080	1.076	1.072	1.069	1.065	1.062	1.061	1.059	1.057	1.055
8	1.081	1.078	1.077	1.074	1.070	1.066	1.063	1.060	1.059	1.057	1.056	1.053
10	1.078	1.075	1.074	1.071	1.067	1.064	1.061	1.058	1.057	1.055	1.053	1.051
12	1.075	1.072	1.071	1.068	1.064	1.061	1.059	1.056	1.055	1.053	1.051	1.049
14	1.072	1.070	1.069	1.066	1.062	1.059	1.056	1.053	1.053	1.051	1.049	1.047
16	1.070	1.067	1.066	1.063	1.060	1.056	1.054	1.051	1.050	1.048	1.046	1.045
18	1.067	1.065	1.064	1.061	1.057	1.054	1.051	1.049	1.048	1.046	1.044	1.043
20	1.064	1.063	1.061	1.058	1.054	1.051	1.049	1.046	1.046	1.044	1.042	1.041
22	1.061	1.059	1.058	1.055	1.052	1.049	1.046	1.044	1.044	1.042	1.040	1.039
24	1.058	1.056	1.055	1.052	1.049	1.046	1.044	1.042	1.042	1.040	1.038	1.037
26	1.055	1.053	1.052	1.049	1.047	1.044	1.042	1.039	1.039	1.037	1.036	1.035
28	1.052	1.050	1.049	1.047	1.044	1.041	1.039	1.037	1.037	1.035	1.034	1.034
30	1.049	1.047	1.046	1.044	1.041	1.039	1.037	1.035	1.035	1.033	1.032	1.032
32	1.046	1.044	1.043	1.041	1.038	1.036	1.033	1.033	1.032	1.031	1.030	1.030
34	1.043	1.041	1.040	1.038	1.036	1.034	1.032	1.031	1.030	1.029	1.028	1.028
36	1.039	1.038	1.037	1.035	1.033	1.031	1.030	1.028	1.028	1.027	1.025	1.025
38	1.036	1.036	1.034	1.032	1.031	1.029	1.027	1.026	1.025	1.025	1.023	1.023
40	1.033	1.032	1.031	1.029	1.028	1.026	1.025	1.024	1.023	1.023	1.021	1.021
42	1.030	1.029	1.028	1.027	1.025	1.024	1.023	1.022	1.021	1.021	1.019	1.019
44	1.027	1.026	1.025	1.023	1.022	1.021	1.020	1.019	1.019	1.018	1.017	1.017
46	1.023	1.022	1.022	1.021	1.020	1.018	1.018	1.017	1.016	1.016	1.015	1.015
48	1.020	1.019	1.019	1.018	1.017	1.016	1.015	1.014	1.014	1.013	1.013	1.013
50	1.017	1.016	1.016	1.015	1.014	1.013	1.013	1.012	1.012	1.011	1.011	1.011
52	1.014	1.013	1.012	1.012	1.011	1.010	1.010	1.009	1.009	1.009	1.009	1.009
54	1.010	1.010	1.009	1.009	1.008	1.008	1.007	1.007	1.007	1.007	1.006	1.006
56	1.007	1.007	1.006	1.006	1.005	1.005	1.005	1.005	1.005	1.005	1.004	1.004
58	1.003	1.003	1.003	1.003	1.003	1.003	1.002	1.002	1.002	1.002	1.002	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.997	0.997	0.997	0.997	0.997	0.997	0.998	0.998	0.998	0.998	0.998
64	0.993	0.993	0.994	0.994	0.994	0.994	0.995	0.995	0.995	0.995	0.996	0.996
66	0.990	0.990	0.990	0.990	0.991	0.992	0.992	0.993	0.993	0.993	0.993	0.993
68	0.986	0.986	0.987	0.987	0.988	0.989	0.990	0.990	0.990	0.990	0.991	0.991
70	0.983	0.983	0.984	0.984	0.985	0.986	0.987	0.988	0.988	0.988	0.989	0.989
72	0.979	0.980	0.981	0.981	0.982	0.983	0.984	0.985	0.986	0.986	0.987	0.987
74	0.976	0.976	0.977	0.978	0.980	0.980	0.982	0.983	0.983	0.984	0.985	0.985
76	0.972	0.973	0.974	0.975	0.977	0.978	0.979	0.980	0.981	0.981	0.982	0.982
78	0.969	0.970	0.970	0.972	0.974	0.975	0.977	0.978	0.978	0.979	0.980	0.980
80	0.965	0.967	0.967	0.969	0.971	0.972	0.974	0.975	0.976	0.977	0.978	0.978
82	0.961	0.963	0.963	0.966	0.968	0.969	0.971	0.973	0.973	0.974	0.976	0.976
84	0.957	0.959	0.960	0.962	0.965	0.966	0.968	0.970	0.971	0.972	0.974	0.974
86	0.954	0.954	0.956	0.959	0.961	0.964	0.966	0.967	0.968	0.969	0.971	0.971
88	0.950	0.952	0.953	0.955	0.958	0.961	0.963	0.965	0.966	0.967	0.969	0.969
90	0.946	0.947	0.949	0.952	0.955	0.958	0.960	0.962	0.963	0.964	0.967	0.967
92	0.942	0.943	0.945	0.949	0.952	0.955	0.957	0.959	0.960	0.962	0.964	0.966
94	0.938	0.941	0.942	0.946	0.949	0.952	0.954	0.957	0.958	0.959	0.962	0.962
96	0.935	0.938	0.939	0.942	0.946	0.949	0.952	0.954	0.955	0.957	0.960	0.960
98	0.931	0.934	0.935	0.939	0.943	0.946	0.949	0.952	0.953	0.954	0.957	0.957
100	0.927	0.930	0.932	0.936	0.940	0.943	0.946	0.949	0.950	0.952	0.954	0.955
105	0.917	0.920	0.923	0.927	0.931	0.935	0.939	0.943	0.943	0.945	0.949	0.949
110	0.907	0.911	0.913	0.918	0.923	0.927	0.932	0.936	0.937	0.939	0.943	0.944
115	0.897	0.902	0.904	0.909	0.915	0.920	0.925	0.930	0.930	0.933	0.937	0.938

To convert from measured volume at another temperature to net volume at 60° F.: Measure the volume and temperature. Determine the gravity at 60° F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60° F.

PSC 126 Sales of commodities. Sale by net weight. The word "weight" as used in this rule in connection with any commodity means net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

A. Retail sales of meat and meat processing. In the retail sale of meat in quantities larger than the usual retail cuts, such quantities generally described as (a) sides, (b) quarters, (c) ribs, (d) chucks, (e) rounds, (f) loins, (g) whole or half hog and said sale requires the aforementioned larger portions to be processed into smaller portions such as roasts, steaks, chops, etc., there shall be rendered to the purchaser at the time of delivery, a delivery or sales ticket in ink or other indelible substance, on which shall be clearly and legibly stated (1) the name and address of the vendor, (2) the name and address of processor if other than vendor, (3) the date, (4) the name and address of the purchaser, (5) the identity of product and the quality or grade if graded, (6) the unit price (the price per pound of either the cut or uncut portion as the case may be), (7) the net weight of portion prior to processing, (8) the net weight of the delivered quantity and (9) the total number of packages delivered and the number and kinds of cuts per package.

And provided further that the weights in parts (7) and (8) shall be recorded to the nearest 1 ounce on all weights up to and including 30 pounds, 4 ounces from 30 pounds up to and including 100 pounds, and 1 pound over 100 pounds.

B. The provisions of Subd. 1 (other than part (5) relating to grade) shall be complied with when the commodity submitted for processing, either live or partially processed, is the property of the person submitting the commodity, and the fee involved is wholly for service.

PSC 127 Random-sized packages* to contain unit price. All meat, meat products, poultry, fish and sea food which are packaged or wrapped by the retailer in advance of being exposed or offered for sale by the retailer and the packages being of a lot containing varying weights, measures, or counts, shall be accurately marked with (a) the net weight or standard measure or numerical count over 6; (b) the selling price per pound or unit of standard measure; and (c) the total selling price.

PSC 128 For the voluntary registration of service persons for commercial weighing and measuring devices. These rules and regulations on the voluntary registration of service persons for commercial weighing and measuring devices are promulgated under authority conferred upon the Department of Public

* Random Package. The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight, measure, or count.

Service to promulgate regulations for registration of weighing and measuring device repair persons.

A. The director shall accept voluntary registration of individuals who provide acceptable evidence that they are fully qualified to install, service, repair, or recondition a commercial weighing or measuring device, have a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations and have possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount.

This rule shall in no way preclude or limit the right and privilege of any qualified individual not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device.

B. Definitions.

1. Director shall mean the Director of the Department of Public Service or his delegate.

2. Registered service persons shall mean any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device and who voluntarily registers himself as such with the Director.

3. The term commercial weighing and measuring device shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.

4. Reciprocity. The Director may enter into an informal reciprocal agreement with any other State or States that has or have similar voluntary registration policies. Under such agreement, the registered service person of the State party to the reciprocal agreement is granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all States party to such agreement.

5. Voluntary registration. A service person may apply for voluntary registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and verified, shall include certification by the applicant that: a. The service person is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered, b. The service person has in possession, or available for use, all necessary testing equipment and standards, and

c. The service person has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations. An applicant also shall submit appropriate evidence or reference as to qualifications.

6. Registration fee. The minimum charge for the calibration of testing equipment for issuance of Placing-in-Service permits shall be \$10.00.

7. Certificate of registration. Upon receipt and acceptance of a properly executed application form, initial examination and certification of standards and testing equipment to be used, and any other proof of competence the Director shall deem necessary, the Director shall, after having received the applicant's annual registration fee, issue to the applicant a Certificate of Registration, including an assigned registration number, which shall remain effective until either returned by the applicant or withdrawn by the Director.

8. Privileges of a voluntary registrant. A bearer of a Certificate of Registration shall have the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director, place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device. All work on weighing and measuring devices restored to service or placed in service shall be performed by or under the direct supervision of a bearer of a certificate of registration.

9. Responsibilities of a voluntary registrant. It shall be the responsibility of a bearer of a Certificate of Registration to comply with the provisions of National Bureau of Standards Handbook 44, and the Examination Procedure Outlines (E.P.O.'s) published by the National Bureau of Standards.

10. Placed-in-service report. The Director shall furnish each registered service person with a supply of report forms to be known as Placed-In-Service Reports. Such a form shall be executed in triplicate, shall include the assigned registration number, and shall be signed by a registered service person for each rejected device restored to service and for each newly installed device placed in service. Within 24 hours after a device is restored to service, or placed in service, the original of the properly executed Placed-in-Service Report, together with any official rejection tag removed from the device, shall be mailed to the Division of Weights and Measures, 1015 Currie Avenue, Minneapolis, Minnesota 55403. The duplicate copy of the report shall be handed to the owner or operator of the device, and the triplicate copy of the report shall be retained by the registered service person.

11. Standards and testing equipment. A registered service person shall submit to the Weights and Measures Laboratory, upon initial application for voluntary registration and at least annually thereafter, for its examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. The cost of such inspection and certification shall be paid by the registrant in an

amount based upon the Standards Laboratory Fee Schedule. A registered service person shall not use, in servicing commercial weighing or measuring devices, any standards or testing equipment that have not been certified by the Director.

12. Publication of lists of approved standards and testing equipment. The Director shall publish from time to time as he deems appropriate, and may supply upon request, information concerning standards and testing equipment acceptable for use by registered service persons.

13. Revocation of certificate of registration. The Director may inspect the work of repairman at any time and may, for good cause, after careful investigation and consideration, suspend or revoke a Certificate of Registration.

14. Publication of lists of registered service persons. The Director may publish, from time to time as he deems appropriate, and may supply upon request, lists of registered service persons.

15. Effective date. This regulation shall become effective on December 3, 1977.

PSC 129-145 Reserved for future use.

4 MCAR S 3.0146 Variances.

EP 2583-9A
A. Director to grant. No commercial scale, commercial weighing device, or commercial measuring device which fails to comply with any rule in Chapter Four shall be installed unless the Director of the Division of Weights and Measures has first granted a variance to those rules for the scale or device.

B. Request. To apply for a variance for any rule within Chapter Four, the owner or operator of the commercial scale or device must submit a request in writing to the Director of Weights and Measures. The request shall:

1. Explain why a variance is sought;
2. Explain how the applicant meets the criteria for a variance set forth in C.;
3. Specify the desired alternative standard to the rule and demonstrate that under the alternative standard the scale or device will conform to good commercial practices;
4. Provide a detailed plan showing the following:
 - a. The dimensions for all parts of the scale or device;
 - b. The materials from which those parts are made; and
 - c. The construction of the scale or device, including its foundation and location.

C. Approval criteria. No request for a variance shall be granted unless all the following criteria are met:

1. The rule for which a variance is sought works an undue hardship on the applicant, or it is impossible for the applicant to comply with the rule;

2. The variance sought will not work a harm to the public interest;

3. The director is able to determine, after investigation, that under normal operating conditions the scale or device for which a variance is sought will:

a. Maintain the applicable accuracy standards;

b. Maintain the permanence of adjustments required;
and

c. Contain operating parts which function as intended.

D. Denial. No variance will be granted if it is a variance of a tolerance or would apply to the value of the minimum graduated interval of a device.

E. Response by the division to request. All requests will be answered by the division in writing, setting forth the reasons for granting or denying the variance.

CHAPTER SEVEN: PSC 170-219 TELEPHONE DIVISION

Rules and regulations for service supplied by telephone utilities in the State of Minnesota.

GENERAL

PSC 170 Authorization of rules. The Public Service Commission Law provides that the Commission shall have the power to make such reasonable rules as it deems necessary to carry out the provisions of this law and any other law relating to the Commission.

PSC 171 Application of rules.

A. These rules shall apply to any telephone utility operating within the State of Minnesota, under the jurisdiction of the Public Service Commission.

B. These rules govern the furnishing of communications service and facilities to the public by communications utilities subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

C. If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the Commission for the modification of the rule or for temporary or permanent exemption from its requirements.

D. The adoption of these rules shall in no way preclude the Commission from altering or amending them, pursuant to its statutory procedure, or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions.

E. These regulations shall in no way relieve any utility from any of its duties under the laws of this State or from any other rules or directives of this Commission.

PSC 172 Definitions. For the purposes of these rules, the following meanings will be ascribed to the phrases listed below:

A. "Average Busy Season—Busy Hour Traffic" means the average traffic volume for the busy season, busy hours.

B. "Base Rate Area" means that contiguously developed portion or portions within each exchange service area as set forth in the telephone utility's tariff, maps or descriptions. Main Station service within this contiguous area is furnished at uniform rates without mileage charges.

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C. "Business Service"—telecommunications service provided a customer where the use is primarily or substantially of a business, professional, institutional or otherwise occupational nature.

D. "Busy Hour" means the two consecutive half-hours during which the greatest volume of traffic is handled in the office.

E. "Busy Season" means that period of the year during which the greatest volume of traffic is handled in the office.

F. "Calls" means customers telephone messages attempted.

G. "Central Office" means a switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks or trunks only. There may be more than one central office in a building.

H. "Channel"—a path for communication between two or more stations or telephone utility offices, furnished in such a manner as the carrier may elect, whether by wire, radio or a combination thereof and whether or not by a single physical facility or route.

I. "Class of Service"—a description of telecommunications service furnished by a customer which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate or message rate). Classes of service are usually subdivided in "grades", such as individual line, two-party or four-party.

J. "Commission" means the Minnesota Public Service Commission.

K. "Customer or Subscriber" means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telecommunications service by any telephone utility.

L. "Customer Trouble Report" means any oral or written report from a subscriber or user of telecommunications service relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunications facilities. One report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

M. "Exchange" means a unit established by a telephone utility for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunication services in that area.

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N. "Exchange Service Area"—the geographical territory served by an exchange, usually embracing a city, town or village and its environs.

O. "Farmer Line"—see "Service Station Line."

P. "Grade of Service" means the number of parties served on a telephone line, such as one-party, two-party, four-party, etc.

Q. "Individual Line Service"—a classification of exchange service which provides that only one main station shall be served by the circuit connecting such station with the central office equipment.

R. "Intercept Service"—a service arrangement provided by the utility whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

S. "Interexchange Trunks"—transmission paths, including the conductor or conductors and associated equipment, connecting two exchanges.

T. "Line"—a general term used in the communication industry in several different senses, the most important of which are:

1. The conductor or conductors and supporting or containing structures extending between customer stations and central offices, or between central offices whether they be in the same or different communities.

2. The conductors and circuit apparatus associated with a particular communication channel.

3. Any communication channel between two points disregarding the method of its derivation.

U. "Local Calling Area"—the area within which telecommunication service is furnished customers under a specific schedule or exchange rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

V. "Local Exchange Service"—telecommunication service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange.

W. "Local Message"—a completed call between stations located within the same local calling area.

X. "Local Message Charge"—the charge that applies for a completed telephone call that is made when the calling station and the stations to which the

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connection is established are both within the same local calling area, and a local message charge is applicable.

Y. "Local Service Charge"—the charge for furnishing facilities to enable a customer to send or receive telecommunications within the local service calling area. This local service calling area may include one or more exchange service areas.

Z. "Long Distance Telecommunications Service"—that part of the total communication service rendered by a utility which is furnished between customers in different local service areas in accordance with the rates and regulations specified in the utility's tariff.

AA. "Message" means a completed customer telephone communication.

BB. "Outside Plant" means the telecommunications equipment and facilities installed on, along, over or under streets, alleys, highways, or on private rights-of-way between the central office and customers' locations or between central offices.

CC. "Party Line Service"—a classification of exchange service which provides for a number of main stations to be served by the same central office line.

DD. "Public Telephone Service"—an individual line customer service equipped with a coin collecting telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

EE. "Station"—a telephone instrument or other terminal device.

FF. "Service Station Line" means those facilities owned and maintained by a customer or group of customers, which lines are connected with the facilities of a telephone utility for communication service.

GG. "Subscriber Line" means the wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

HH. "Switching Service" means switching performed for service station lines.

II. "Tariff" means the entire body of rates, tolls, rentals, charges, classifications and rules, adopted and filed with the Commission by a telephone utility or other carriers.

JJ. "Telephone Utility" means any person, firm, partnership, cooperative organization or corporation engaged in the furnishing of telecommunication service to the public under the jurisdiction of the Commission.

KK. "Toll Connecting Trunks" means a general classification of trunks

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carrying toll traffic and ordinarily extending between a local office and a toll office, except trunks classified as tributary circuits.

LL. "Toll Stations" means a telephone connected to a toll line or directly to a toll board.

MM. "Traffic"—a telephone call volume, based on number and duration of messages.

RECORDS AND REPORTS

PSC 173 Location of records. Unless otherwise authorized by the Commission, all records required by these rules shall be kept within the state or shall be made available to the Commission or its authorized representatives at any time upon request.

PSC 174 Retention of records.

A. All records required by these rules shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the Commission.

B. Each telephone utility shall maintain records of its operations in sufficient detail to permit review of its service performance, and such records shall be made available to the Commission upon request.

C. Each telephone utility shall report promptly to the Commission any specific occurrence or development which disrupts the service of a substantial number of its customers or which may impair the utility's ability to furnish service to a substantial number of customers.

PSC 175 Data to be filed with the Commission.

A. "Tariffs"—each telephone utility shall have its tariff on file with the Commission in accordance with the rules and regulations governing the filing of tariffs as prescribed by the Commission.

B. "Exchange Maps"—each telephone utility shall have on file with the Commission an exchange area boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the area which the telephone utility holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall include location of highways, section lines, geographic township and range lines, railroads and water ways outside municipalities. Maps generally shall contain detail as shown on county highway maps. The map scale and other detail shall be shown as required by the Commission. Data associated with the exchange map shall be immediately available for public information

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at each business office for the area served by said office. Each telephone utility filing an original or revised map shall submit proof of notice of the proposed boundary to any other telephone utility adjoining the area in which a boundary line is to be established or changed.

C. "Service Reports"—each utility shall furnish to the Commission at such times and in such form as the Commission may require, the results of any tests, summaries or records. The utility shall also furnish the Commission with any information concerning the utility's facilities or operations which may be requested.

METERING

PSC 176 Meter reading records. When meters are used in connection with telecommunications service the meter reading records from which the customers' bills are prepared shall show:

A. Identifying number or means to determine readily the customer's name, address and service classification.

B. Meter readings.

C. Date of meter reading.

D. Multiplier or constant, if used.

PSC 177 Meter reading interval. As nearly as practicable, meters shall be read at monthly intervals.

PSC 178 Billing recording equipment. Where mechanical and/or electronic means are used for recording information that will affect a customer's bill, such equipment shall be frequently inspected to see that it is functioning properly and the utilities shall keep records of such inspections.

CUSTOMER RELATIONS

PSC 179 Business office procedures.

A. Information available to customer and public.

1. Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error and to generally act as representatives of the utility. If one business office serves several communities, toll-free calling from such communities to that office shall be provided.

2. Access to the following information shall be made available at the business office upon request:

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a. Copies of all tariffs as described in these rules applicable to the area served by the business office;

b. Maps showing exchange, base rate area and zone boundaries (if applicable) in sufficient size and detail from which all customer locations can be determined and mileage or zone charges quoted;

c. Publicly announced information as to the present intended future availability of specific classes of service at an applicant's location;

d. Publicly announced information concerning plans for major service changes in the area served by the business office;

e. Information pertaining to services and rates as proposed in pending tariff or rate change filing.

B. Complaint procedures.

1. The utility shall establish such procedures whereby qualified personnel shall be available during regular business hours to receive and, if possible, resolve all customer inquiries, requests and complaints.

2. If any complaint cannot be promptly resolved, the utility shall contact the customer within five (5) business days and at least once every fourteen (14) calendar days thereafter, and advise the customer regarding the status of its investigation until:

a. the complaint is mutually resolved; or

b. the utility advises the customer of the results of its investigation and final disposition of the matter; or

c. the customer files a written complaint with the Public Service Commission or the courts.

3. When the Public Service Commission forwards a customer complaint to the utility, the utility shall notify the Commission within five (5) business days regarding the status or disposition of the complaint.

C. Record of complaint.

1. Each utility shall keep a record of all complaints received by it from its customers which shall be classified as directed by the Public Service Commission.

2. The record shall show the name and address of the customer, the date and nature of the complaint, and its disposition and date thereof.

3. The utility shall keep records of the customer complaints in such a manner as will enable it to review and analyze its procedures and actions.

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D. Reporting requirement.

1. Each utility shall file an annual report on or before May 1 with the Utility Division of the Public Service Commission containing the following information:

a. The total number of resolved and unresolved complaints by class of service and type of complaint;

b. The total number of lines in each class of service and the total number of lines increased during the past year;

c. The names, addresses, and telephone numbers of personnel designated and authorized to receive and respond to the requests and directives of the Public Service Commission regarding customer inquiries, service requests and complaints. The utility shall keep this information current and if changes occur, the utility must inform the Commission immediately of these changes.

2. All information must be verifiable and available for inspection and investigation by Commission staff.

3. The utility must provide upon notice by the Commission, an up-to-date report of this type prior to any hearing before the Commission, or upon any official request of the Commission.

4. The Commission shall initially mail copies of the type of form to be used for this report to all utilities regulated hereunder.

5. Each utility shall initially file the prescribed Annual Report on or before May 1, 1979. This initial report will cover the utility's operations during the previous calendar year.

PSC 180 Customer billing; deposit and guarantee requirements.

A. Customer billing.

1. Bills to customers shall be typed or machine printed, rendered regularly, and shall contain an itemized listing of all charges and the period of time covered by the billing. Statements itemizing message toll charges shall be included in bills to customer.

2. In the event a customer's service is interrupted otherwise than by negligence or willful act of the customer and it remains out of order for 24 hours after being reported to the utility, adjustments shall be made to the customer, based upon the prorata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or in-operative. The refund may be accomplished by a credit on a subsequent bill for telephone service. If in the case of such interruption, service is restored on or before the day after it is reported or found by the company, no allowance will be made.

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3. Upon the request of any customer or applicant, the utility shall provide an explanation of the rates, charges and provisions applicable to the service furnished or available to such customer or applicant, and shall provide any information and assistance necessary to enable him to obtain the most economical communications service conforming to his stated needs. Applicants for telephone service shall be advised as to alternate services available to meet their stated communications requirements. This information may include printed explanations of alternate services and rates. Correspondingly, the utility shall notify its customers of any services and shall provide an estimate of the initial billing for basic monthly service (including fractional monthly amounts) plus any other applicable charges.

B. Deposit and guarantee requirements.

1. The utility may require a deposit or guarantee of payment from any customer or applicant who has not established good credit with that utility. Deposit or guarantee of payment requirements as prescribed by the utility must be based upon standards which bear a reasonable relationship to the assurance of payment. The utility may determine whether a customer has established good credit with that utility, except as herein restricted:

a. A customer, who within the last twelve (12) months has not had his service disconnected for non-payment of a bill and has not been liable for disconnection of service for non-payment of a bill, and the bill is not in dispute, shall be deemed to have established good credit.

b. A utility shall not require a deposit or a guarantee of payment based upon income, home ownership, residential location, employment tenure, nature of occupation, race, color, creed, sex, marital status, age, national origin, or any other criteria which does not bear a reasonable relationship to the assurance of payment or which is not authorized by these rules.

c. No utility shall use any credit reports other than those reflecting the purchase of utility services to determine the adequacy of a customer's credit history without the permission in writing of the customer. Any credit history so used shall be mailed to the customer in order to provide the customer an opportunity to review the data. Refusal of a customer to permit use of a credit rating or credit service other than that of a utility shall not affect the determination by the utility as to that customer's credit history.

2. Deposit. When required, a customer may assure payment by submitting a deposit.

a. A deposit shall not exceed an estimated two-months' gross bill or existing two-months' bill where applicable.

b. All deposits shall be in addition to payment of an outstanding bill or a part of such bill as has been resolved to the satisfaction of the utility, except where such bill has been discharged in bankruptcy.

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c. Interest shall be paid on deposits in excess of \$20 at the rate of six (6%) per cent per year. Interest on deposits shall be payable from the date of deposit to the date of refund or disconnection. The utility may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills.

d. The deposit shall be refunded to the customer after twelve (12) consecutive months of prompt payment of all bills to that utility. The utility may, at its option, refund the deposit by direct payment or as a credit on the bill.

e. With notice any deposit of a customer shall be applied by the utility to a bill when the bill has been determined by the utility to be delinquent.

f. Upon termination of service, the deposit with accrued interest shall be credited to the final bill and the balance shall be returned within forty-five (45) days to the customer.

g. A utility shall not require a deposit or a guarantee of payment without explaining in writing why that deposit or guarantee is being required and under what conditions, if any, the deposit will be diminished upon return.

h. Each utility shall issue a written receipt of deposit to each customer from whom a deposit is received and shall provide a means whereby a depositor may establish a claim if the receipt is unavailable.

3. Guarantee of payment.

a. The utility may accept, in lieu of a deposit, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the deposit requirement is guaranteed. The term of such contract shall be for no longer than twelve (12) months, but shall automatically terminate after the customer has closed and paid the account with the utility, or at the guarantor's request upon sixty (60) days' written notice to the utility.

b. Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon notice as prescribed in PSC 182.

c. The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

PSC 181 Disconnection of service.

A. Disconnection of service with notice-permissible reasons. With notice a

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utility may disconnect service to any customer for any reason stated below. Notice must comply with the requirements of PSC 182:

1. For failure of the customer to pay a bill for utility service when due.
2. For failure of the customer to meet the utility's deposit and credit requirements.
3. For failure of the customer to make proper application for service.
4. For customer's violation of any of the utility's rules on file with the Commission.
5. For failure of the customer to provide the utility reasonable access to its equipment and property.
6. For customer's breach of the contract for service between the utility and the customer.
7. For a failure of the customer to furnish such service, equipment and/or rights of way necessary to serve said customer as shall have been specified by the utility as a condition of obtaining service.
8. When necessary for the utility to comply with any order or request of any governmental authority having jurisdiction.

B. Disconnection of service without notice-permissible reasons. Without notice a utility may disconnect service to any customer for any reason stated below:

1. In the event of tampering with the utility's equipment.
2. In the event of a condition determined to be hazardous to the customer, to other customers of the utility, to the utility's equipment, the public, or to employees of the utility.
3. In the event of a customer's use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.

C. Non-permissible reasons to disconnect service. A utility may not disconnect service to any customer for any reason stated below:

1. Delinquency in payment for services rendered to a previous customer who occupied the premises unless said customer continues to occupy the premises.
2. Failure to pay for equipment or service not approved by the Commission as an integral part of the utility service.
3. Failure to pay for business service at a different location and a dif-

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ferent telephone number shall not constitute sufficient cause for disconnection of residence service or vice versa.

4. Failure to pay for a bill to correct a previous underbilling due to an inaccurate meter or billing error if the customer agrees to payment over a reasonable period of time.

D. Manner of disconnection. Service shall not be disconnected on any Friday, Saturday, Sunday or legal holiday, or at any time when the utility's business offices are not open to the public, except where an emergency exists.

E. Reconnection of service. In the event service has been disconnected for valid cause by the utility, the utility may charge a reconnect fee based on the cost of reconnection as stated in the utility's tariff on file with the Commission. Notwithstanding the above provision, the utility shall not charge a reconnect fee for disconnection of service pursuant to PSC 181 B. 2., except if the hazard is caused by customer provided equipment.

PSC 182 Notice: other time requirements.

A. Where required by these rules, notice of impending action by the utility shall be by first class mail. Notice shall be sent to the address where service is rendered or to the address where the bill is sent if different from the address where service is rendered.

B. All notices required by these rules must precede the action to be taken by at least five (5) days excluding Sundays and legal holidays. No notice may be given until the condition of which it informs, presently exists.

C. In lieu of mailing, notices may be delivered by a representative of the utility. Such notices must be in writing and receipt of them must be signed by the customer, if present, or some other member of the customer's family of responsible age, or the utility representative must make an affidavit under oath that he delivered the notice to the customer, his residence or his business.

D. A record of all notices and all affidavits required by these rules must be kept on file by the utility and must be made available to the Commission.

E. Disconnection notices shall contain the date on or after which disconnection will occur, reason for disconnection, and methods of avoiding disconnection in normal easy to understand language.

PSC 183 Disputes.

A. Whenever the customer advises the utility's designated representative prior to the disconnection of service that any part of the bill as rendered or any part of the service which affects the amount of the bill is in dispute, the utility shall:

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1. Investigate the dispute promptly.
2. Advise customer of investigation and its result.
3. Attempt to resolve dispute.
4. Withhold disconnection of service until the investigation is completed and the customer is informed of the findings of fact.
5. Upon the findings of the utility, the customer must submit payment in full of any bill which is due.
6. If the dispute is not resolved to the satisfaction of the customer, he or she must submit the entire payment and may designate the disputed portion to be placed in escrow with the utility. Such payment shall be called an "escrow payment."

B. Escrow payments:

1. To submit a payment in escrow, the customer must make payment of the amount due as shown on the bill through an "escrow payment form" clearly marked and provided by the utility.
2. The "escrow payment form" must provide space for the customer to explain why the utility's resolution of the dispute is unsatisfactory to the customer. The form must be in three (3) copies, one of which will be retained by the customer.
3. A copy of the "escrow payment form" must be forwarded by the customer to the Public Service Commission.
4. Any escrow payment to the utility may be applied by the utility as any normal payment received by the utility.
5. After escrow payment has been made, the customer and the utility may still resolve the dispute to their mutual satisfaction.
6. By submitting the "escrow payment form" to the Commission, the customer shall be deemed to have filed an informal complaint against the utility, pursuant to the Commission's Rules of Practice PSC 500-521.
7. Upon settlement of the dispute, any sums found to be entitled to be refunded to the customer shall be supplemented by a six (6%) per cent per annum interest charge from the date of payment to the date of return by the utility.

C. A customer may apply to the utility to waive its rights to disconnect. If the utility refuses to waive its right to disconnect, the customer may apply to the Commission for emergency status. If the Commission determines a customer has a probable hardship which may result in the disconnection of serv-

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ice for non-payment, it may declare an emergency status to exist and order the utility to continue service for a period not to exceed thirty (30) days.

D. Notwithstanding anything herein to the contrary, the utility shall not be obligated to suspend discontinuance of service upon the filing for review with the Commission, unless the customer shall pay, when due, all current bills rendered during the pendency. If, following the first filing for review with the Commission, the same customer or any other person, files for any subsequent review by the Commission pertaining to the same account, such subsequent filings shall not relieve the customer from the obligations to pay for service rendered after the first filing. If subsequent requests for review are filed during the pendency of the first review, all designated disputed payments or portions thereof made after the first filing shall be considered to be made into escrow.

PSC 184 Held applications.

A. During such periods of time as telephone utilities may not be able to supply initial telephone service to an applicant or upgrade existing customers within thirty (30) days after the day applicant desires service, the telephone utility shall keep a record by exchanges showing the name and address of each applicant for service, the date of application, date service desired, the class and grade of service applied for, together with the reason for the inability to provide the new service or higher grade to the applicant.

B. When, because of shortage of facilities, a utility is unable to supply main telephone service on dates requested by applicants, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the Commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

C. Ninety percent of the utility's commitments to customers as to the date of installation of regular service orders shall be met excepting customer caused delays and acts of God.

PSC 185 Directories.

A. Telephone directories shall be regularly published, listing the name, address when practical, and telephone number of all customers, except public telephones and numbers unlisted at customer's request.

B. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the Commission, upon request.

C. The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information per-

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taining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

D. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory.

E. Directory Assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing Directory Assistance service.

F. In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party, either upon request or interception.

G. Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number, provided existing central office equipment will permit, and the customer so desires. Provided, however, the telephone utility may refuse to take such action for good and sufficient reason.

H. When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

I. Each telephone utility shall make every effort to list its customers with Directory Assistance as necessary for the Directory Assistance operators to provide the requested telephone numbers based on customer names and post office addresses to eliminate "not found" numbers where the address is different from the address normally associated with an exchange directory.

ENGINEERING

PSC 186 Construction. Construction of a telephone plant shall be subject to the provisions of the current National Electrical Safety Code or such other appropriate regulation as may be prescribed.

PSC 187 Maintenance of plant and equipment.

A. Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe and adequate service.

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B. Maintenance shall include keeping all plant and equipment in good state of repair consistent with safety and adequate service performance. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise, induction, cross talk, or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

PSC 188 Grade of service.

A. Within the base rate area no utility shall connect more customers on any line than are contemplated under the grade of service charged the customer on such line, except on an emergency and temporary basis authorized by the Commission.

B. On rural lines where multi-party service is provided no more than eight (8) customers shall be connected to any one circuit, unless approved by the Commission. All rural circuits now serving more than eight (8) shall be changed to meet this requirement within a five (5) year period following adoption of these rules. The telephone utility may regroup customers in such a manner as may be necessary to carry out the provision of this rule. Upon completion of delay in the meeting of this requirement a report to that effect shall be filed with the Commission. The Commission shall recognize that there are certain sparsely populated areas within our state where these standards could prove unreasonable.

PSC 189 Inter-exchange trunks. When trunk lines or toll circuits for communication are furnished by one or more telephone utilities between exchanges, the circuits connecting such exchanges shall be non-grounded. No customer's instruments, other than toll stations, shall be regularly connected thereto.

PSC 190 Grounded circuits. On and after the effective date of these rules, no additional telephone lines shall be constructed as single wire with ground return. All existing grounded telephone lines shall be converted to non-grounded circuits.

PSC 191 Selective ringing. Each telephone utility shall have as an ultimate objective the provision of full selective ringing for all telecommunication services.

PSC 192 Switching service. Effective with the adoption of these rules, telephone utilities shall not provide switching service to lines which do not meet the technical criteria of these rules. Also, effective with the adoption of these rules, each telephone utility shall eliminate non-conforming switching service according to the following provisions:

A. Upon conversion to dial service or any other plan approved by the Commission.

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B. All others shall be changed to company-owned stations within a period of five years.

PSC 193 Emergency operations.

A. Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators or from fire, storm, or acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service.

B. It is essential that all companies shall make reasonable provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered on short notice, and which can be readily connected. Each central office shall contain as a minimum four hours of battery reserve.

C. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

PSC 194 Construction work near utility facilities. Even though all contractors working in the vicinity of utility lines or structures are responsible for exercising due diligence in preventing damage to utility property or interruption to utility services, telephone utilities shall, when requested, furnish to contractors appropriate information concerning the location of underground conduit, cable, etc., in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability, or legal rights of any party under applicable laws or statutes.

INSPECTIONS AND TESTS

PSC 195 Provisions for testing. Each telephone utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

PSC 196 Meter and recording equipment test facilities.

A. Each utility furnishing telephone service, where local exchange billing is based on the number and/or duration of messages, shall provide the necessary facilities, instruments and equipment for testing its metering or recording equipment. Any utility may be exempted from this requirement by the Commission, provided that satisfactory arrangements are made for test of its meters and recording equipment by another utility or approved agency.

B. The overall accuracy of the test equipment and test procedure shall be sufficient to enable test of meters and recording equipment within the requirements of these rules.

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PSC 197 Accuracy requirements. All meters and/or recording devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All meters and/or recording devices shall accurately perform the following:

A. For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the station which it is measuring.

B. For message rate and/or toll service when in addition to recording the calls it is necessary to time the calls, the meter and/or recording device shall show accurately the number of calls and the talking time involved in each call and the station making such call.

C. Where the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

PSC 198 Initial test. Every telephone meter and/or recording device shall be tested prior to its installation, either by the manufacturer, the utility or any approved organization equipped for such testing.

PSC 199 As-found tests. All meter and/or recording devices tested in accordance with these rules for routine or complaint tests shall be tested in the condition "as found" in connection with the customer's service prior to removal or adjustment in any respect.

PSC 200 Routine tests. Each utility shall adopt appropriate practices for test and maintenance of its meters and/or recording devices to assure the integrity of their operation.

PSC 201 Test records.

A. A record of all meter and/or recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include: The identifying number of the meter and/or recording device; its type; the date and kind of test, and the results as found at each test. The record of tests of each meter and/or recording device shall be maintained for at least two years.

B. Upon request of any customer the telephone utility shall make a test of any meter and/or recording device related to his billing. Such requests should not be made more often than once every three months unless unusual circumstances exist.

C. In the event a dispute, relating to meter and/or recording device billing, is not reconciled between the customer and the utility, the utility shall direct its personnel to inform the customer that he may appeal to the Commission for further review of the matter.

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STANDARDS OF QUALITY OF SERVICE

PSC 202 Adequacy of service.

A. Each utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer.

B. Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season.

C. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off-periods by the use of alarms maintained in proper conditions with someone conveniently available so that emergency calls will be given prompt attention.

D. Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

PSC 203 Basic utility obligations.

A. Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the Commission. Such service shall meet or exceed the standards set forth in these rules.

B. Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service.

C. Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the Commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the Commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the Commission or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the Commission.

D. Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the Commission.

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PSC 204 Traffic rules.

A. Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers.

B. Telephone operators shall be instructed to be courteous, considerate and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications.

C. All operator-handled calls shall be carefully supervised and disconnects made promptly.

D. When an operator is notified by a customer that he has reached a wrong number on a direct dialed call, the customer shall be given credit on his bill when the claim has been substantiated.

PSC 205 Answering time.

A. Adequate forces shall be provided at local manual offices in order to assure that 95% of the calls will be answered within ten (10) seconds.

B. Ninety percent of repair service calls, calls to the business office and other calls shall be answered within 20 seconds.

C. An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an "answer".

PSC 206 Dial service requirements. Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during average busy season—busy hour:

A. Dial tone within three (3) seconds on at least 98.0% of telephone calls. Dial tone delays of more than 2.6% of calls on a continuing basis indicates a need for investigative or corrective action.

B. Complete dialing of called numbers on at least 97% of telephone calls without encountering an all-trunk busy condition within the central office.

PSC 207 Interoffice trunks. Local interoffice trunks shall be provided so that at least 95% of telephone calls offered to the group will not encounter an all-trunks-busy condition. For toll connecting trunks, this figure shall be at least 97%. When the completion rate falls below 95% on a continuing basis investigative or corrective action should be initiated.

PSC 208 Transmission requirements. Telephone utilities shall furnish and maintain adequate plant, equipment and facilities to provide satisfactory

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transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross-talk shall be such as not to impair communications.

PSC 209 Minimum transmission objectives.

A. The transmission objectives set forth herein are based upon the use of standard telephone sets connected to a 48-volt dial central office and measured at a frequency of 1000 cycles per second.

B. With the foregoing conditions a subscriber line that provides satisfactory pulsing and supervision normally will provide acceptable and adequate transmission. Such line shall, in general, have a loop resistance not exceeding the operating design of the associated central office equipment.

C. The overall transmission loss, including terminating equipment, on local interoffice trunks shall be no more than 10 decibels.

D. Whenever feasible, the overall transmission loss, including terminating equipment, on intertoll trunks and on terminating links shall be no more than 5 decibels. Because these trunks may be only one of several connected links, on some toll routes it may be necessary to provide better facilities of high grade in order to keep overall net circuit losses within reasonable limits and to provide satisfactory message transmission.

PSC 210 Public telephone service. In each exchange located in an incorporated village the telephone utility shall supply at least one coin telephone that will be available to the public on a 24-hour basis. This coin telephone shall be located in a prominent location in the exchange and shall be lighted at night. The utility may also establish other public telephone service locations where the public convenience will be served. This requirement may be waived by the Commission in cases of abusive vandalism or damage.

PSC 211 Interruptions of service.

A. Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay. The minimum objective should be to clear 95% of all out-of-service troubles within 24 hours of the time such troubles are reported. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

B. Every telephone utility shall inform the Commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent

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wind storms, or other acts of God which apparently will result in prolonged and serious interruption of service to a large number of customers.

C. Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

D. Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

E. It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 per one-hundred (100) telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.

TELEPHONE ACCOUNTING RULES

PSC 212 Telephone accounting rules. For purposes of accounting regulations the Commission has grouped all telephone companies into the following classes:

A. Classification.

1. Class A. Companies having average annual gross operating revenues of \$250,000 or more.

2. Class B. Companies having average gross operating revenues of \$100,000 but not more than \$250,000.

3. Class C. Companies having average annual gross operating revenues exceeding \$50,000 but not more than \$100,000.

4. Class D. Companies having average gross operating revenues not exceeding \$50,000.

B. The class to which a telephone company belongs shall be determined by the average of its annual gross operating revenues for the three preceding years. If, at the end of any calendar year, this average is greater than the maximum or less than the minimum for the class in which the company has been grouped, it shall be automatically grouped in the higher or lower class in which it falls. A telephone company beginning a new operation or extending its existing operations shall be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

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C. A telephone company may, at its option, place itself in any group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission. A telephone company presently reporting as a Class B company but having annual gross operating revenues of less than \$100,000 may continue reporting as a Class B company.

D. A telephone company shall maintain its records and accounts in accordance with the applicable uniform system of accounts, and shall file its annual report for the previous calendar year on or before May 1 of each year on the report forms furnished by the Commission. Applicable schedules of such report forms shall be completed in full.

E. Class A and Class B telephone companies shall maintain their accounts in accordance with the uniform systems of accounts for Class A and Class B telephone companies prescribed by the Federal Communications Commission. Class C telephone companies shall maintain their accounts in accordance with the uniform system of accounts for telephone companies prescribed by this Commission. Class D telephone companies shall maintain such records as will enable them to complete the annual report form prescribed and furnished by the Commission.

F. All telephone companies requesting a rate adjustment shall present exhibits including a detailed income statement and balance sheet for the latest calendar year as shown in regularly filed annual reports. Exhibits should also include the latest available data. An income statement for any period other than a calendar year must be for a full twelve-month period.

1. All telephone companies subject to reporting requirements of the Commission shall file with each annual report a copy of annual stockholders report if such a report is printed. Should a company furnish quarterly reports to stockholders a copy of each such report shall also be filed with the Commission.

2. All telephone companies who furnish quarterly reports to a federal regulatory commission shall regularly file a copy of such reports with the Commission.

G. Lobbying expenditures.

1. For the purpose of rule 212 G., the following definitions shall apply:

a. "Lobbying expenditure" means a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing legislation or administrative action or supporting the election of any candidate to office. Lobbying expenditures also include the pro rata portion of salaries of lobbyists which represents the portion of their duties related to lobbying.

b. "Lobbyist" means any individual or association engaged for pay or other consideration or authorized by a telephone utility to spend money

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who, during a calendar year, spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. No person engaged in formal rate cases before a regulatory body is by reason of such engagement a lobbyist.

c. "Utility non-operating expense" means expenditures associated with activities other than those resulting from the regular activity of supplying service to the consumer.

d. "Utility operating expense" means expenditures associated with the direct or regular activity of supplying service to the consumer.

e. "Public official" means any:

(1) Member of the legislature;

(2) Person holding constitutional office in the executive branch and his chief administrative deputy;

(3) Member of a state board or commission which has rulemaking authority, as "rule" is defined by Minn. Stat. § 15.0411, subd. 3;

(4) Person employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of legislative research;

(5) Person employed by the executive branch in any positions specified in Minn. Stat. § 15A.081; and

(6) Member of the metropolitan council, metropolitan transit commission, metropolitan sewer board, or metropolitan airports commission.

2. General application.

a. Rule 212 G. applies to each telephone utility regulated under Minn. Stat. ch. 237.

b. Each telephone utility shall maintain accounts and records relating to lobbying expenditures and make them available for inspection by the Commission upon request.

3. Accounting treatment, lobbying expenditures.

a. Each telephone utility shall cause sub-accounts to be established for the sole purpose of recording lobbying expenditures.

(1) lobbying expenditures for utility operating expense shall be charged to a sub-account of Other Expenses.

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(2) Lobbying expenditures for utility non-operating expense shall be charged to a sub-account of Miscellaneous Deductions from Income.

b. The above accounts shall be effective the first day of January of the year following the year in which this regulation becomes effective for any lobbying expenditures subsequent to that date.

SAFETY

PSC 213 Protective measures.

A. Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

B. The utility shall give reasonable assistance to the Commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

PSC 214 Safety program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

A. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

B. Instruct employees in safe methods of performing their work.

C. Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

DEPRECIATION CERTIFICATION FOR TELEPHONE REGULATION

PSC 215 Definitions: Depreciation certification.

A. "Accumulated provision for depreciation" or "Depreciation reserve" means the total charges for retirements, net salvage, and the annual provision for depreciation accrual(s) recorded by the utility under an approved method of depreciation accounting.

B. "Annual provision for depreciation accrual" means the annual amount of depreciation charged to expenses and/or clearing accounts.

C. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the probable service life of an asset or liability to which it applies, or over a period during which it is anticipated the benefit will be realized.

D. "Cost of removal" means the cost of demolishing, dismantling, removing, tearing down or abandoning of physical assets, including the cost of transportation and handling incidental thereto.

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E. "Depreciation," as applied to depreciable utility plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption of prospective retirement of utility plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities. (For purposes of these rules, references to depreciation will include amortization unless otherwise stated.)

F. "Depreciation accounting" means a system of accounting which aims to distribute cost or other basic value of tangible capital assets, less salvage (if any), over the estimated useful life of the unit (which may be a group of assets) in a systematic and rational manner. It is a process of allocation, not of valuation.

G. "Group plan." Under this plan, depreciation charges are accrued on the original cost of all property included in each depreciable plant account using a composite rate based on average service life of the components properly weighed. Upon retirement of any depreciable property, its full service value is charged to the depreciation reserve whether or not the particular item has attained the average service life.

H. "Net salvage" means salvage of property retired less the cost of removal.

I. "Original cost" means the cost of property to the person first devoting it to public service.

J. "Probable service life" of a unit means that period of time extending from the date of its installation to the forecasted date when it will probably be retired from service.

K. "Public utility" means any telephone utility as defined in Chapter 7, PSC 172 (36) operating within the State of Minnesota and under the jurisdiction of the Commission.

L. "Salvage" means the amount received for assets retired, less any expenses incurred in connection with the sale or in preparing the assets for sale; or if retained, the amount at which the materials recoverable is chargeable to materials and supplies, or other appropriate accounts.

M. "Straight-line method" means the plan under which the original cost of an asset adjusted for net salvage is charged to operating expenses and/or to clearing accounts and credited to the accumulated provision for depreciation through equal annual charges over its probable service life.

N. "Service value" means the difference between original cost and net salvage value of utility plant.

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PSC 216 General provisions: depreciation certification.

A. All telephone utilities shall maintain, and have available for inspection by the Commission upon request, adequate accounts and records related to depreciation practices as defined herein.

B. Each utility has the prime responsibility for proposing the depreciation rates and methods that will be used. The Commission shall certify by order to the utility the depreciation rates and methods which it considers reasonable and proper.

C. Any allocation or adjustment of the depreciation reserve will require specific justification and certification by the Commission.

D. Class A and B utilities, as defined in Minn. Reg. PSC 212 A. shall maintain continuing property records.

E. Class A and B utilities, as defined in PSC 212 A., shall maintain accounts covering the classes of depreciable telephone plant in accordance with the uniform system of accounts for Class A and B telephone utilities as prescribed by the Federal Communications Commission.

F. Class C utilities, as defined in PSC 212 A., shall maintain accounts covering the classes of depreciable telephone plant in accordance with the uniform system of accounts for Class C telephone utilities as prescribed by the Federal Communications Commission.

G. Class D utilities, as defined in PSC 212 A., shall maintain accounts covering the classes of depreciable telephone plant in accordance with the uniform system of accounts for Class D telephone utilities as recommended by the Federal Communications Commission.

H. All telephone utilities shall retain data in sufficient detail to conduct depreciation certification studies for the purpose of determining depreciation accruals and reserves by depreciable telephone plant account. Depreciable plant accounts, are those specified by the Federal Communications Commission for the class to which a telephone company belongs.

I. All telephone utilities shall review their depreciation rates annually to determine if they are still generally appropriate. Depreciation certification studies shall be made so that all depreciable plant accounts shall have been analyzed at least every five (5) years. Depreciable plant accounts are those specified by the Federal Communications Commission's uniform system of accounts for the class to which a telephone company belongs.

J. Any utility may at its option follow the depreciation rules prescribed herein for a larger class of utilities.

K. A petition for depreciation certification may be submitted by the utility or requested by the Commission because of unusual circumstances.

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PSC 217 Filing requirements: depreciation certification studies.

A. Initially upon Commission notification, and at least every five (5) years thereafter, each public utility (Class A, B, C and D) shall file a petition for depreciation certification and the following depreciation schedules (for each year since the last certification) in the form prescribed by the Commission.

1. Plant in service (by each appropriate depreciable plant account applicable to its Class):

- a. Beginning and ending plant balances.
- b. Additions and retirements.
- c. Adjustments and transfers.

2. Analysis of depreciation reserve (based on depreciation studies by each appropriate depreciable plant account applicable to its Class):

- a. Beginning and ending reserve balances.
- b. Depreciation accruals and plant retirements.
- c. Cost of removal and gross salvage value.
- d. Transfers, adjustments and other debits (credits).

3. Summary of annual depreciation accruals (based on depreciation studies by each appropriate depreciable plant account applicable to its Class):

- a. Plant balance.
- b. Estimated net salvage.
- c. Depreciation reserve.
- d. Probable service life.
- e. Depreciation accrual and rate.

B. In addition, all utilities shall provide with the petition for depreciation certification:

1. A list of accounts upon which the utility has made studies of the estimates of service life and salvage, the dollar effects and the results of these studies, and the utility-recommended depreciation rates for the accounts.

2. A list of any major future additions or retirements to the plant accounts which the utility believes may have a material effect on the current certification results.

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C. All utilities shall furnish any additional documentation necessary to support findings of the study.

PSC 218 Prescribed methods: depreciation certification studies.

A. The Commission prescribes the straight-line method for calculating depreciation accruals.

B. Any exceptions to these methods will require specific justification and certification by the Commission.

C. No specific methods are prescribed by the Commission in estimating service lives and salvage values. The methods selected by each utility will be reviewed for appropriateness by the department staff as part of the utility's certification filing.

PSC 219 Petition for certification procedure.

A. Utilities shall petition the Commission for certification of depreciation rates and methods as prescribed by the Commission's rules of practice for petitions.

B. Prior to the initial certification of a utility's depreciation rates and methods, the depreciation rates and methods effective as of January 1, 1977 are to be used.

C. Depreciation rates and methods, once certified by order, are binding on all future rate proceedings and will remain in effect until the next certification or until the Commission shall determine otherwise.

D. If a utility is unable to comply by January 1, 1978 with any of the provisions of PSC 215-219, the utility shall petition the Commission within three (3) months of the effective date of these rules for a temporary exception. The petition shall include the justification for non-compliance, the duration of the desired exception, and the plan for compliance.

CHAPTER EIGHT: PSC 220-245 RAILROADS

Engineering Rules and Specifications

PSC 220 Introduction

(a) General. These rules and specifications are intended to apply to railroad related engineering functions under the jurisdiction of the Department of Public Service and the Public Service Commission. These rules and specifications set forth in this Chapter Eight are not retroactive but are intended to apply to future replacements and installations, and to existing installations that are significantly changed, modified or reconstructed. Installations already lawfully in place are not to be considered as in violation of these rules.

The Commission reserves the right at any time, after due process, to require changes or improvements at particular locations so as to conform to the requirements of these rules.

(b) Definitions

1. Commission — Public Service Commission

2. Department — Department of Public Service which engineering functions are administered by the Department of Highways, Engineer of Railway Negotiations pursuant to an authorized reorganization of state government in September 1972.

3. U.S.D.O.T. — United States Department of Transportation

F.H.W.A. — Federal Highway Administration, an agency of the U.S.D.O.T.

F.R.A. — Federal Railroad Administration, an agency of the U.S.D.O.T.

4. A.A.R. — Association of American Railroads. Signal Manual — A.A.R., Communications and Signal Section, Signal Manual of Recommended Practices, on file and available for inspection in the office of Engineer of Railway Negotiations, Minnesota Department of Highways or available for purchase at 1920 L Street NW, Washington, D.C. 20036.

5. Manual — "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways.

6. Railroad Crossing — The intersection of one or more railroad tracks at grade with a public way.

(c) Uniform Project Accounting and Billing. U.S.D.O.T., F.H.W.A., Policy and Procedure Memorandum No. 30-3 of most recent revision shall be the basis for railroads billing their allocated or agreed upon share of their work against any public authority in connection with any project under the jurisdiction of the Department or Commission unless otherwise specifically noted in an Order of the Commission.

PSC 221 Highway — Railroad Grade Crossings

(a) National Inventory and Numbering Project. The Department is co-operating with the U.S. Department of Transportation and the railroads in

a project to identify each crossing with a unique number attached to the sign or signal at the crossing. Public grade crossings, bridges, pedestrian crossings and private grade crossings will be identified, and the characteristics of each crossing will be tabulated. Reference should be made to these inventory numbers whenever possible. Information regarding this project can be obtained from: Engineer of Railway Negotiations, Minnesota Department of Highways, St. Paul, Minnesota 55155.

(b) Signs

1. General. All signs to be used on public roads in Minnesota must comply with the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways. Sign number designations shown in these rules refer to the Manual.

Requests for clarification, interpretation, or modification of the Minnesota Manual shall be addressed to the Commissioner of Highways, and marked for the attention of the Office of Traffic Engineering, State Highway Building, St. Paul, Minnesota 55155. Any requests which require action at the national level will be forwarded to the Federal Highway Administration with an appropriate recommendation by the State.

Full scale drawings of the standard symbols used on signs, and the Minnesota Standard Signs Manual containing detailed drawings for the standard signs illustrated in the Manual are available from the Office of Traffic Engineering, Minnesota Department of Highways, State Highway Building, St. Paul, Minnesota 55155.

Full scale drawings of the standard alphabets are available from the Office of Traffic Engineering, Minnesota Department of Highways, State Highway Building, St. Paul, Minnesota 55155.

2. Railroad Crossbuck Sign. The crossbuck shall be white with the words RAILROAD CROSSING in black lettering. If there are two or more tracks, including sidings, the number of tracks shall be indicated on an auxiliary sign of inverted T shape mounted below the crossbuck. The crossbuck shall be used at every railroad crossing, alone or in combination with other warning devices.

The design of the Railroad Crossbuck (R15-1) with auxiliary sign showing the number of tracks (R15-2), has been standardized by the Association of American Railroads and shall comply with Figure 1.

All or any part of the sign may be constructed of wood or metal, and mounted on a post of wood or other yielding design.

Reflectorized 4-ft. 90-deg type, blades of suitable material shall be used on post.

All letters and numerals shall be in black color on reflectorized white background.

Height may be varied as required by local conditions.

Auxiliary multiple track sign to be used only where warning device is for more than one track.

The crossbuck sign is furnished, installed and maintained by the railroad company and is usually located on the railroad right-of-way. The distance that should be assumed to separate tracks before an additional crossing sign is considered necessary is 100 feet, unless local conditions require otherwise. The sign shall be erected on the right-hand side of the roadway on each approach to the crossing.

Crossbuck signs shall be located to the right of the traveled roadway not less than 2 feet clear of the face of curb or edge of shoulder or not less than 10 feet clear of the edge of traveled lane, and not less than 12 feet from center line of the nearest track. (See Figure 1).



R15-1
48" x 9"



R15-2
9" x 9"
27" x 9"

The Department may require crossbuck signs to be mounted back to back for additional emphasis at selected locations.

3. **Railroad Advance Warning Sign.** A Railroad Advance Warning Sign shall be used in advance of every railroad crossing, except at a minor spur or siding which is infrequently used and which is guarded by train crews; or in the business districts of large cities where the crossings are fully protected; or where the physical conditions are such that even a partially effective display of the sign is impossible.

On a divided highway it may be desirable to erect a supplemental sign on the left shoulder of the roadway. In residence or business districts, where low speeds are prevalent, the sign may be placed a minimum distance of 100 feet from the crossing. If there is a street intersection within 100 feet an additional sign or signs may be placed to warn traffic approaching the crossing from each intersected street.

Railroad Advanced Warning Signs are usually off the railroad right-of-way and are properly the responsibility of the public authorities. The application of Railroad Crossbuck Signs on the railroad right-of-way is described in PSC 221 (b)(2).



W10 - 1
36" Diameter

4. Supplemental Railroad Advance Warning Signs. The Minnesota Department of Highways has adopted certain Supplemental Railroad Advance Warning Signs as described herein.

These signs are intended for use in advance of certain non-signalized railroad crossings whereat conditions indicate the need for additional advance warning supplementing that provided by the W10-1 circular Railroad Advance Warning Sign. The use of these signs should be based on an investigation of pertinent conditions at the crossing such as train and vehicle speeds, sight distractions or obstructions, stopping distances and similar criteria.

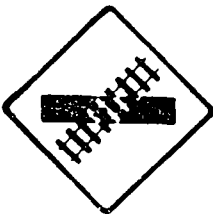
The signs may be used individually or in logical sequence, but shall always be preceded on the approach by the W10-1 sign, which is the initial and primary warning sign to be installed at crossings.

The **TRACK ANGLE (W10-X1)** Sign is intended to convey to the motorist that the railroad crosses the roadway on a skew, and to thereby alert him that extra care may be needed to ascertain whether trains are approaching. It shall utilize a track symbol at 45° left or right as appropriate.

The **BLIND XING (W10-X2)** Sign is intended for use to warn of sight obstructions at the crossing area calling for added vigilance on the part of the motorist.

The **LOOK FOR TRAINS (W10-X3)** Sign is intended for supplemental use to warn the motorist of his obligation to ascertain whether or not it is safe for him to proceed over the crossing. It could logically follow the Blind Xing sign for additional emphasis.

Appropriate advisory speed plates (W13-1) may be mounted beneath any Railroad Advance Warning Sign to indicate the safe vehicle approach speed to the crossing.



W10 - X1
36" x 36"



W10 - X2
36" x 36"



W10 - X3
36" x 36"

(Black legend on yellow background)

5. **STOP Signs.** The installation of "STOP" Signs at railroad crossings must be approved by the Commission and designated in the records of the Commission as a "STOP" crossing.

STOP Signs are for use on roadways where traffic is required to stop before crossing railroad tracks to ascertain whether it is safe to proceed across the track area.

The STOP Sign (R1-1) shall be reflectorized or illuminated to show the same shape and color both by day and night. The STOP Sign shall be an octagon with white message and border on a red background. The standard size shall be 30 inches by 30 inches. Where greater emphasis or visibility is required, a larger size is recommended.

STOP Signs shall be designated by the Commission to be either cross-buck mounted or separately mounted substantially in accordance with Figure 2. Crossbuck mounted STOP Signs shall be the responsibility of the railroad.

Separately mounted STOP Signs shall be the responsibility of the road authority and located approximately three feet in advance of the crossbuck sign and in accordance with the Manual.

(c) **Pavement Markings.** Pavement markings in advance of a railroad crossing shall consist of an X; the letters, RR; a no-passing marking and certain transverse lines. They should be placed on all paved approaches to railroad crossings. These markings, if physically feasible, shall be placed at all grade crossings where railroad highway grade crossing signals or automatic gates are operating, and at all other crossings where the prevailing speed of highway traffic is 40 MPH or greater.

The markings shall also be placed at crossings where engineering studies indicate there is a significant potential conflict between vehicles and trains. At minor crossings or in urban areas, these markings may be omitted if engineering study indicates that other devices installed provide suitable protection. Such markings shall be white except for the no-passing markings.

The design of railroad crossing pavement markings shall be essentially as illustrated in Figure 3. The symbols and letters are elongated to allow for the low angle at which they are viewed.

The centerline may be extended across the track area.

At crossings where there are signals or gates, the stop line should be placed perpendicular to the roadway approximately 5 feet in advance of the signal or gate.

Pavement Markings are the responsibility of the road authority.

(d) **Signals and Gates**

1. **General.** At railroad crossings where studies indicate the need of warning beyond that provided by signs, signals should be installed which indicate the approach or presence of trains. The signals may be supplemented by gates which extend across the lane or lanes of the approaching traffic while trains are approaching and occupying the crossing. Such signals shall comply with Figures 4, 5 and 6.

Future modifications, replacements, installations and maintenance of

signals, gates and other warning devices of railroad crossings shall be made in compliance with:

Applicable parts of the Association of American Railroads (AAR) Signal Manual of Recommended Practice;

Association of American Railroads Bulletin No. 7 entitled "Railroad-Highway Grade Crossing Protection, Recommended Practices," published by the Communication and Signal Section or most recent revision to this Bulletin;

Applicable parts of the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways;

except where modified and supplemented by the following rules and specifications, and except as modified by the Commission from time to time when, in their opinion, public interest and safety would thereby be best served.

Wherever control circuits or warning devices are altered, such alterations shall not continue the use of obsolete control circuits or warning devices which create an unsafe or hazardous condition.

The Department shall cooperate with interested parties for obtaining available public funds for railroad crossing signal installations, improvements or alterations.

2. Application. A flashing-light signal is used to indicate the approach or presence of trains by means of two horizontal red lights flashing alternately at predetermined intervals.

A railroad-highway grade crossing gate (appearing to the driver as an arm being lowered or in a horizontal position) is an effective adjunct to the flashing light signal in indicating the approach or presence of trains. When used, the gate should extend over the traveled roadway a sufficient distance to cover the lanes used by traffic approaching the crossing.

Signals and signs or signals, signs and gates of the type described herein may be installed at railroad crossings as a warning of the approach of trains. These exact assemblies of devices shall be used for no other purpose.

3. Operation and Controls. On tracks where trains operate at a speed of 20 miles per hour or higher, the signals shall operate for not less than 20 seconds before the arrival of any train. For trains operating less than 20 miles per hour. The signals shall operate in advance of train movements over the crossing a sufficient time to give adequate warning to highway traffic when considering such conditions as highway speed and volume of highway traffic.

Where the distance from the most remote signal to the clearance on the highway for the farthest track on which trains operate at a speed of 30 miles per hour or higher, as measured parallel to the center line of the highway, is more than 35 feet, the 20 seconds time should be increased 1 second for each additional 10 feet of travel as consideration for slow moving highway vehicles which use the crossing to clear the farthest track.

Signals shall operate whenever any part of a train occupies the crossing.

Signals and devices are to be designed so that they will operate only when it is intended to indicate impending danger at the crossing, such as an approaching train, and they will operate for such a period of time before arrival of any train operated over the crossing as is required above.

Controls, including electric, electronic and mechanical methods, shall be in accordance with AAR Signal Manual Part 34, insofar as it applies, and as far as practicable shall be so designed that in the event of failure of any part, the operation required of the signals and devices will be provided.

Where means are provided to suspend operation of the warning devices during intervals when trains make regular operating stops or perform switching operations on approach circuits:

Controls shall be so designed as to provide operation of warning devices before a train reaches the crossing.

Automatic control of warning devices actuated by approaching trains other than the train that has stopped or is performing switching operations, shall take precedence over any feature provided to suspend operation.

Where manual supervisory control of warning devices is provided in addition to automatic controls:

Automatic control actuated by approaching trains other than that for which manual control has been made effective shall take precedence over the manual control.

Means shall be provided to restore the controls to automatic operation.

Means shall be provided to prevent manual operation by unauthorized persons.

All tracks over the crossing shall be provided with track circuits, unless otherwise approved.

Where train speeds on a given track vary considerably under normal operation and volume of railroad and highway traffic warrants, special devices or circuits should be installed to provide reasonably consistent warning time for all movements. Under similar traffic volume conditions special control features should be used to eliminate the effects of station stops and switching operations within approach control circuits.

The control system for active warning devices at railroad crossings within automatic block signal territory shall be checked to determine, to the extent practical, if unsafe conditions have developed in the control system prior to the approach of a train to the crossing. If such unsafe condition can be detected, it shall be reflected in the automatic block signal system through the display of an aspect by the appropriate block signal requiring train movement over the crossing at restricted speed.

Wraparound or equivalent circuits may be required with motion sensitive control equipment.

4. Electric Light Units. Electric light units shall be in accordance with AAR Signal Manual Part 166, and shall be arranged to provide indication for approaching traffic as required. They shall be mounted horizontally at

2-ft. 6-in. centers and preferably not less than 7-ft. 6-in. nor more than 9-ft. 6-in. above the surface of the highway.

Lamp units shall be hooded to shade them from the sun but not shielded at the sides to impair close-in indication, and shall have dull black backgrounds 20 inches in diameter.

Alignment of highway crossing signal reflector type light units shall be accomplished by the railroad in accordance with the recommended practice set forth by AAR Manual Part 268 of most recent revision.

Light units shall flash alternately. The number of flasher per minute for each incandescent type lamp shall be 35 minimum, 55 maximum.

Lamps shall be illuminated approximately the same length of time. Total time of illumination of each pair of lamps shall be practically the entire operating time.

Each electric light unit, when equipped with a roundel designed for 30-deg horizontal spread, shall provide an indication having a beam candlepower of uniform intensity at any angle up to 10-deg on either side of the axis and the range at any point within the 20-deg angle under bright sunlight conditions, with the sun at or near the zenith, shall be not less than 1500-ft.

Electric light units shall display a satisfactory indication at close range.

5. Bells. Bell, when used, should sound a warning during the time the signal lights are operating, except it may be silenced when head end of train reaches the crossing, or when the gate has descended to within 10 degrees of horizontal.

Bell, when used, shall be in accordance with AAR Signal Manual Part 21, and mounted with the face of the gong parallel to the highway.

6. Location. In the placement of signals, primary consideration shall be given to ensuring the proper visibility of signal faces. However, in the interest of safety, signals and controller cabinets should be placed as far as practicable from the edge of the traveled way without adversely affecting signal visibility.

Signals shall be located to the right of the highway not less than 2 feet clear from the face of vertical curb or, where there is no curb, not less than 2 feet clear from the edge of the shoulder, and not less than 12 feet from the center line of the nearest track in substantial accordance with Figures 7 and 8.

Additional light units or an additional signal may be used if it is determined to be impractical to warn all highway traffic approaching the crossing from one direction with a single signal. On divided roadways, additional signals may be located to the left of the roadway not less than 2 feet clear of curb or edge of shoulder and not less than 12 feet from the center line of the nearest track.

Where local conditions require, gate arms may be placed at other than right angles to the highway.

At locations where the roadway speed is 40 miles per hour or greater, controller cabinets shall be located 30 feet clear of the edge of nearest traffic lane unless otherwise approved by the Department.

No part of a base for a signal support should extend more than 4 inches above the ground level at any point.

On medians, the above minimum clearances for signal supports should be obtained where practicable. Any supports which cannot be located with the required clearances should be of the breakaway type or should be guarded if at all practicable.

7. **Guard Rails.** Where local conditions will permit, a lateral escape route to the right of the highway in advance of the crossing protection signal should be kept free of guard rail or other above-ground obstructions. Placement of the guard rails is the responsibility of the highway authorities. Where guard rail is not deemed necessary nor appropriate by highway authorities, rigid non-yielding type barriers are not to be used for protecting signal supports. In industrial and other areas involving only low-speed highway traffic and where signals are susceptible to being struck by turning truck traffic such as in terminal areas, alleys, warehouse areas, etc., ring-type guard rail may be installed to provide protection for the signal assembly.

8. **Gate Aspects.** An automatic gate, when installed, shall serve as an adjunct to a highway crossing signal of the flashing-light type and, when indicating the approach of a train, shall present toward approaching highway traffic the aspect of an arm equipped with red lights either being lowered or at rest in the horizontal position across the lane or lanes used by traffic approaching the crossing. (See Figure 6).

9. **Gate Arm.** Each gate arm shall be equipped with not less than three red lamps arranged to shine in both directions along the highway. The gate arm, when in the raised position, shall not obstruct or interfere with highway traffic.

The gate arms shall be striped on both sides with 16 inch alternate diagonal reflectorized stripes of red and white.

The bottom of the gate arms when in the horizontal position shall not be less than 3 feet 6 inches nor more than 4 feet 6 inches above the crown of the roadway.

10. **Gate Operation and Controls.** The gate arms shall operate uniformly, smoothly and complete all movements without rebound or slap, and be securely held when in the raised position.

Gate arm lights shall operate in conjunction with the railroad crossing signal at all times when the gate is in position to obstruct highway traffic. The light nearest the tip of arm shall burn steadily and two lights shall flash alternately in unison with the lights on the signal.

The design of the gate operating mechanism shall, so far as practicable, be such as to insure proper operation during unfavorable weather conditions, and if out of order, the gate arm shall assume the horizontal position across the roadway.

Circuits shall be so arranged that a failure of the gate mechanism to operate as intended will not prevent the lights on the gate arm and signal from operating on the approach of a train.

At crossings where traffic volumes are moderate to high or where alternate routes and railroad crossings are not readily available, manual controls may be required to enable personnel designated by the railroad to raise the crossing gates in the event of a control system malfunction such that the gates are caused to obstruct traffic under conditions other than the approach and movement of a train over the crossing.

The gate mechanism shall be so designed that if the arms while being lowered strike or foul an object, they will readily stop, and on removal of the obstruction shall assume the position corresponding with the control apparatus.

Gate arm shall start its downward motion not less than 3 seconds after the signal lights start to operate.

Gate arm shall reach the horizontal position before arrival of any train and shall remain in that position as long as any part of the train occupies the crossing.

11. **Traffic Signals Near Railroad Crossings.** When a railroad crossing, protected by signals, is within or near an intersection controlled by a traffic control signal, the control of the traffic signal should be preempted from the signal controller upon approach of trains to avoid conflicting aspects of the traffic signal and the train-approach signal. This preemption feature requires a closed electrical circuit between the control relay of the train-approach signals and the preemptor in order to establish and maintain the preempted condition during the time that the train-approach signals are in operation. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

Traffic control signals shall not be used on mainline railroad crossings in lieu of railroad crossing warning devices. However, at industrial track crossings and other places where train movements are very slow (as in switching operations), traffic control signals may be used in lieu of conventional train-approach signals to warn motorists of the approach or presence of a train. The provisions of this part relating to traffic signal design, installation and operation are applicable as appropriate where traffic control signals are so used.

At railroad crossings where train movements are regulated or limited to the extent that train-approach signals are not required, preemption of the adjacent signalized intersections may be desirable to permit nonconflicting highway traffic to proceed during the time the crossing is blocked by a train. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

The preemption sequence initiated when the train first enters the approach circuit, shall at once bring into effect a signal display which will permit all vehicles to clear the tracks before the train reaches the intersection or any approach thereto.

When the green indication is preempted by train operation, a yellow change interval must be inserted in the signal sequence in the interest of safety and consistency. To avoid misinterpretation during the time that the clearout signals are green, consideration should be given to the use of 12 inch red lenses in the signals which govern movement over the tracks.

After the track clearance phase, the traffic control signal may be operated to permit vehicle movements that do not cross the tracks, but in all cases shall prohibit movements over the tracks. (For interpretation, see Figure 13).

Where feasible the location and the normal (no trains involved) phasing and timing of traffic control signals near railroad grade crossings should be designed so that vehicles are not required to stop on the tracks even though in some cases this will increase the waiting time. The exact nature of the display and the location of the signals to accomplish this will depend on the physical relationship of the tracks to the intersection area.

When the train clears the crossing it is necessary to return the signal to a designated phase, normally the traffic movement crossing the tracks.

12. Maintenance. Maintenance and operation of railroad crossing signals and gates are the responsibility of the operating railroad or owner of the trackage. Signals and gates shall be regularly and periodically inspected for proper operation, shall be kept well painted and in a serviceable condition at all times. The surfaces of lenses, reflectors, bulbs and gate arm lights shall be kept free from such deposits as dust or other materials that will seriously affect their efficiency.

13. Plan Approval. All modifications, replacements and installations of signals, gates and other warning devices at railroad crossings must be made in accordance with plans approved by the Department.

The following information shall be furnished:

Exact location of railroad crossing in terms of railroad company stationing or distance from nearest mile post and Federal Crossing number (when available).

Proper name of the road crossing and the railroad including county, state or federal highway designations.

City where crossing is located or is nearest to the crossing.

Listing of all plans, special instructions, data forms, informational reports and documents transmitted with the application.

Reasons for making any changes in existing control systems for warning devices.

Three complete sets of plans.

Typical wiring diagram of motor operated warning signals or crossing gates shall be provided or referred to if on file.

All changes of existing facilities and control systems shall be clearly identified on plans by color code or other suitable means. Where plans reflect only new work, they need not be colored or otherwise coded.

Upon request, any information necessary to completely analyze the control system.

Plans submitted for approval must be complete with respect to the control system for each railroad crossing involved. Where block signal systems are involved, any block signal controls incorporated in the railroad crossing control system must be shown to the extent applicable.

All electronic equipment must be adequately defined by numerical or other designation supplied by the manufacturer so that complete functional and performance characteristics of the control system can be accurately determined and evaluated. Name of manufacturer must be stated.

Frequency of audio frequency track circuits and other audio frequency equipment must be shown on the plans.

Where electronic control equipment consisting of a self-contained unit arranged for incorporation within the control system for railroad crossing warning devices is employed and identified only by a box symbol with identifiable terminals within the control circuit diagram, adequate information shall be provided to enable accurate determination of all circuits within the self-contained unit. If such complex circuits are published by the manufacturer of such equipment as a coherent control system, reference to type, model or other identifying means will be sufficient. If such is not published by the manufacturer as a complete and coherent system, the railroad should provide copies of all circuits to be employed and a block diagram or other means of determining how they will be related. Name of the manufacturer must be stated.

Special symbols or nomenclature used only by the railroad (not found in published standards of the Association of American Railroads, manufacturers of signal equipment or other generally recognized sources of information in the railway signal industry) shall be defined on the plans.

The length of approach track sections shall be shown on the plan.

The length of island track circuit shall be shown on plan.

The method of calculation employed by the railroad in determining the anticipated warning time for a train approaching the crossing at average maximum authorized speed shall be stated. System reaction time, over-speed tolerance (if any) and any other factors considered shall be stated.

Ampere hour capacity of battery shall be stated on plan.

Supplementary supporting information should be provided where necessary to clarify and support special design features of the control system or warning devices and may consist (but not be limited to) the following:

Daily traffic volume and peak traffic density of motor vehicles over the crossing if available from road authority.

Daily traffic volume and peak traffic density of train movements over the crossing.

Special operating instructions which apply to the warning devices at the crossing or indirectly affect them.

General operating rules effective in the design of the control system for the railroad crossing warning devices.

Where the control system for highway intersection traffic control signals is to be interconnected with the control system for railroad crossing warning signals, a plan showing how the electrical interconnection will be made with the railroad control system, a sequence chart approved by the railroad, state and local authorities concerned, showing all operating sequences

possible for the traffic control signals and a dimensioned or scale plan drawing showing the location of the traffic control signals at the street intersection and the railroad crossing signals at the railroad crossing shall be provided. The road authority shall furnish the traffic signal plans and the railroad shall furnish the railroad signal plans. Plan submittals should be coordinated.

14. **Operating License.** Upon installation or modification of a signal system and inspection and approval by the Department, an operating license will be issued by the Department to the operating railroad in substantial accordance with Figure 9.

(e) **Watchman.** At crossings where an employee of a railroad is stationed for the purpose of warning highway traffic of impending danger the following rules shall apply:

The watchman shall wear a standard orange vest, front and back, and orange hat. For nighttime conditions, similar outside garments shall be reflectorized;

The watchman shall use a standard red and white reflectorized STOP sign, size 24 inches whenever practical;

The watchman may use a red light shown toward highway traffic during the hours of darkness or when weather conditions require.

Watchmen shall direct highway traffic only when they intend to indicate impending danger at the crossing, such as an approaching train or the occupation of a crossing by a train, cars or engines.

A red light may be used, only, to indicate impending danger at the crossing, or train approaching and when a stop for all classes of highway traffic is required. The "Stop" Sign may only be used where and when a stop for all classes of highway traffic is actually intended at the crossing.

No railroad shall discontinue, or substantially change the time of duty, of any regularly employed watchman without applying to the Department, showing adequate public safety and receiving approval of the Commission.

(f) **Flagged Crossing.** When so designated by the Commission or the railroads as a flagged crossing, all train movements over the crossing shall be preceded by a member of the train crew and further in accordance with the general or special operating rules of the railroad.

(g) **New Railroad Crossings.** All new railroad crossings must be approved by the Commission after first making application to the Department. Applications for new public roadways across existing railroads shall be made by the road authority that will have jurisdiction of the roadway.

Applications for new railroad tracks across existing public roadways shall be made by the owner or operating railroad, or in the case of spur tracks owned by a customer, either by the railroad or the customer.

Applications should be accompanied by relevant documents, data and material necessary to show public interest and safety such as: railroad company, road authority, general and specific location, maps, plans, schedule of construction, details of construction, proposed use by applicant,

expected or current traffic volumes and speeds and train frequency and speeds, available sight distance, suggested warning, and alternates.

Modifications and minor relocations of existing crossings do not require Commission approval.

PSC 222 Bridges

(a) Plan Approval. All plans for new or reconstructed bridges carrying public ways over or under railroads must be approved by the Department as to legal clearances in accordance with Figure 10. Variances from legal clearances must be approved by the Commission after first making application to the Department and hearing thereon.

(b) Walkways on Railroad Bridges. All new or reconstructed bridges carrying railroads shall have walkways and handrails on both sides conforming to legal clearances. Variances from legal clearances must be approved by the Commission after first making application to the Department.

PSC 223 Clearances. Legal clearances adjacent, over and between railroad tracks are defined in Minnesota Statutes Section 219.45 to 219.53 and by general order of the Commission (M.S.A. 219.46 Subd. 7) and are depicted in Figure 10. Variances from legal clearances must be approved by the Commission after first making application to the Department and hearing thereon showing that such variance would not create a condition unduly hazardous. When considering a variance, the Department may require the installation of the signs shown in Figure 11 or restrict trainmen operation by use of signs shown in Figure 12, and such other requirements as, in their opinion, would be in the interests of safety.

PSC 224 Railroad Accident Reports

(a) General. Every railroad shall furnish, as directed by the Department, a report of accidents, wrecks and casualties in the manner and form prescribed. All reports shall be open to public inspection but shall not be admissible in evidence in any suit or action for damages, growing out of such accident, wreck or casualty. Upon reasonable notice, reports are available for inspection at Railway Negotiation Section, Minnesota Department of Highways, St. Paul, Minnesota 55155.

Definition and terms shall refer to U.S. Department of Transportation, Federal Railroad Administration (FRA) latest rules and regulations relating to Railroad Accidents, Reports and Classification. The aforementioned rules and regulations shall apply except where modified herein.

(b) Railroad Accidents. Except for railroad crossing accidents, railroads shall furnish to the Department, copies of all reportable accidents in the form, style and schedule as may be required by the Federal Railroad Administration.

(c) Railroad Crossing Accidents. All train and train service accidents, regardless of extent of damage, due to a railroad crossing shall be reported as directed by the Department, within 10 days of such accident, on forms furnished by the Department.

PSC 225 Track Safety Standards. U.S. Department of Transportation, Federal Railroad Administration, Office of Safety "Track Safety Standard" of latest revision shall apply to all railroad trackage and be the standard for determination of unsafe trackage.

RAILROAD ACCOUNTING RULES

PSC 226 Railroad Accounting Rules

(a) **Classification.** For the purpose of accounting regulation the commission has adopted the Interstate Commerce Commission classifications, including any amendments thereto which may be made by the Interstate Commerce Commission.

(b) **Uniform System of Accounts.** Each railroad company shall maintain its accounts in accordance with the uniform system of accounts prescribed by the Interstate Commerce Commission.

(c) **Reports.** Each railroad company shall submit the following reports to this Commission:

1. Copy of annual report form submitted to Interstate Commerce Commission (ICC Form A for Class I Railroads, ICC Form C for Class II Railroads or other form as prescribed by the Interstate Commerce Commission). This report shall be submitted by March 31 of the following year.

2. Copy of annual report to stockholders, as soon as it becomes available.

3. Minnesota information, as outlined in Section (d), below, to be submitted with the ICC report. (To be furnished by all railroad companies operating in more than one state.)

4. Such other information as the Commission may request, to include all reports required by the commission's engineering division.

(d) **Minnesota Information.** Each railroad company shall submit the following Minnesota information as an appendix to the Interstate Commerce Commission annual report:

1. **Schedule 710, Railway Operating Revenue.** Schedule as shown in present State Commission Form A shall be completed.

2. **Schedule 811, Mileage Operated.** Schedule in present State Commission Form A shall be completed, including the summary statement.

3. **Schedule 931, Statistics.** This schedule shall be completed in accordance with the revised form attached hereto.

4. **Schedule 941, Revenue Freight Carried.** This schedule shall be completed on a "two digit" basis in accordance with the commodity codes named in 49 C.F.R. 123.52. The following additional commodities shall be included:

01131	Barley
01132	Corn, except popcorn
01133	Oats
01135	Rye

- 01136 Sorghum grains
- 01137 Wheat, except buckwheat
- 01139 Grain, nec
- 01142 Flaxseed
- 01144 Soybeans
- 01195 Potatoes, other than sweet
- 01197 Sugar beets

Headings for the schedule shall be as follows:

941. Revenue Freight Carried Within the State

Commodity	Revenue Freight Originating On Respondent's Road Within the State	
	Number of Carloads (b)	Number of tons (2,000 pounds) (c)
(a)		
	Revenue Freight Terminating On Respondent's Road Within the State	
	Number of Carloads (d)	Number of tons (2,000 pounds) (e)

Schedule 931

Heading:

**931. Statistics of Rail Line Operations —
Within the State**

Column headings:

- (a) Item
- (b) Freight Trains
- (c) Passenger Trains
- (d) Total Transportation Service

Items, Column (a)

- (1) Avg. mileage of road operated (whole nos.)
- (2) Train-miles, total
- (3) Motor car-miles
- (4) Total locomotive miles
- (5) Train-hours

Car-Miles

- (6) Loaded freight cars
- (7) Empty freight cars
- (8) Caboose
- (9) Total
- (10) Coaches
- (11) Combination passenger cars

- (12) Sleeping and parlor cars
- (13) Dining, club, lounge, and observation cars
- (14) Head-end cars
- (15) Total
- (16) Business cars
- (17) Crew cars (Other than cabooses)

Gross Ton-Miles

- (18) Road locomotives and tenders
- (19) Freight cars, contents and cabooses
- (20) Passenger cars and content
- (21) Total

Revenue and Non-Revenue Freight

- (22) Tons of revenue freight
- (23) Tons of non-revenue freight
- (24) Total
- (25) Ton-miles — Revenue freight
- (26) Ton-miles — Non-revenue freight
- (27) Total

Revenue Passenger Traffic

- (28) Passengers carried
- (29) Passenger-miles

PSC 227 Abandonment of Agency or Custodian Service. Rail carriers requesting permission to abandon agency or custodian service pursuant to Section 219.85, M.S. 1957, shall furnish exhibits including the information detailed below.

NOTE: As used herein, the term "gross revenues" as applied to freight traffic, means the total of all transportation charges accruing to petitioner and connecting line carriers on local to line and interline traffic destined to and forwarded from the station under consideration.

All information required shall be furnished for the two calendar years prior to date of petition, and for as many months of the current year as are available.

(a) **Freight Service Revenues.** Information relating to freight service operations shall be segregated so as to show separately the following:

1. For local to line freight traffic, show gross freight revenue on all shipments of (a) freight forwarded, and (b) freight received.

2. For interline freight traffic, show gross through revenue on all shipments of (a) freight forwarded, and (b) freight received.

(b) **Station Expenses.** Direct expenses incurred in the operations of depot facilities shall be itemized as shown below.

(c) Exhibits shall include the following detail:

1. Freight Service Revenues

		Forwarded	Received	Total
Local to line traffic	Carload	\$_____	\$_____	\$_____
	L.C.L.	_____	_____	_____
Interline traffic	Carload	_____	_____	_____
	L.C.L.	_____	_____	_____
Total	Carload	_____	_____	_____
	L.C.L.	_____	_____	_____
All other Freight Service Revenues		=====	=====	=====
Total Freight Service Revenues		\$_____	\$_____	\$_____

2. Station Expenses

Item	Amount
1. Agent's salary	\$_____
2. Helper's or custodian's salary	_____
3. Light, heat, water and telephone	_____
4. Building maintenance	_____
5. Stationery and printing and office supplies	_____
6. Payroll taxes	_____
7. Health and welfare benefits	_____
8. Minnesota gross earnings tax	_____
9. Other expenses (explain below)	_____
10. Total direct station expenses	\$_____

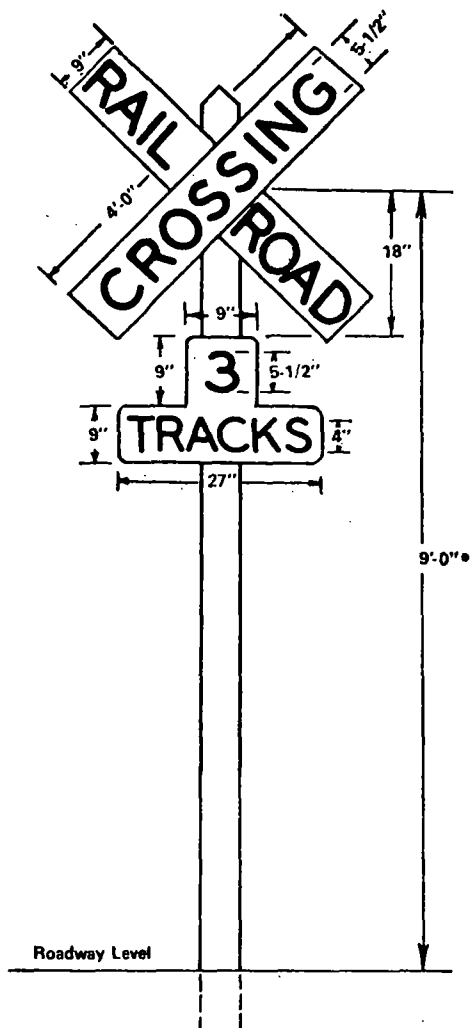
RAILROAD TARIFFS**Regulations to Govern the Construction, Filing and Posting of Freight Tariffs and Classification Publications**

PSC 228 Railroads. All tariffs and classifications, supplements thereto and reissues thereof shall be prepared, posted and filed in accordance with the Rules of Tariff Circular No. 20, supplements thereto or reissues thereof, issued by the Interstate Commerce Commission and naming Rules governing the construction, filing and posting of Freight-Rate Publications, except to the extent that such Rules may contravene Minnesota Public Service Commission Orders or specific provisions of the Minnesota Statutes.

PSC 229 Alternation of Rates. All tariffs shall provide for complete alternation of all rates and for application of the published rate which results in the lowest aggregate charge.

PSC 230-239 Reserved for Future Use

PSC 220-225 filed October 2, 1974



Railroad Crossbuck Sign:
Black letters on reflectorized white background.

Multiple Track Sign:
Black letters on reflectorized white background, to be used when sign assembly warns of more than one track.

*Height may be varied as required by local conditions.

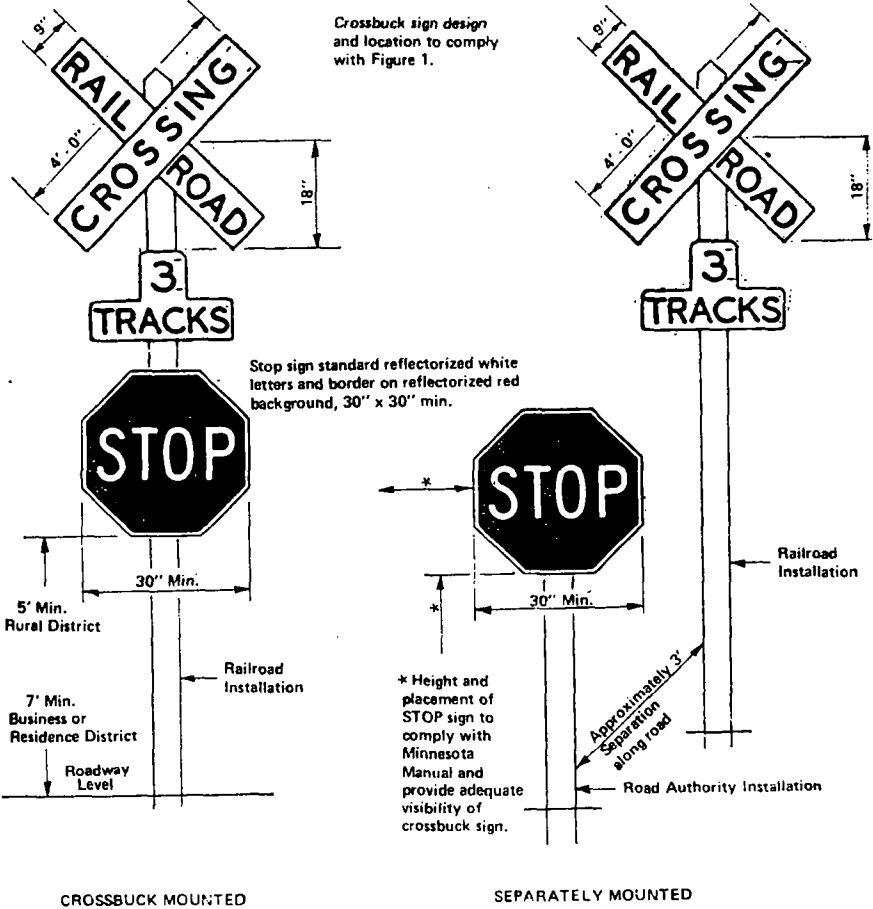
Post to be wood or other yielding design.

Crossbuck assembly to be located to right of road not less than two feet clear of curb or edge of shoulder (not less than 10 feet from edge of lane) and not less than 12 feet from center line of near track.

RAILROAD CROSSBUCK SIGN

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Figure 1



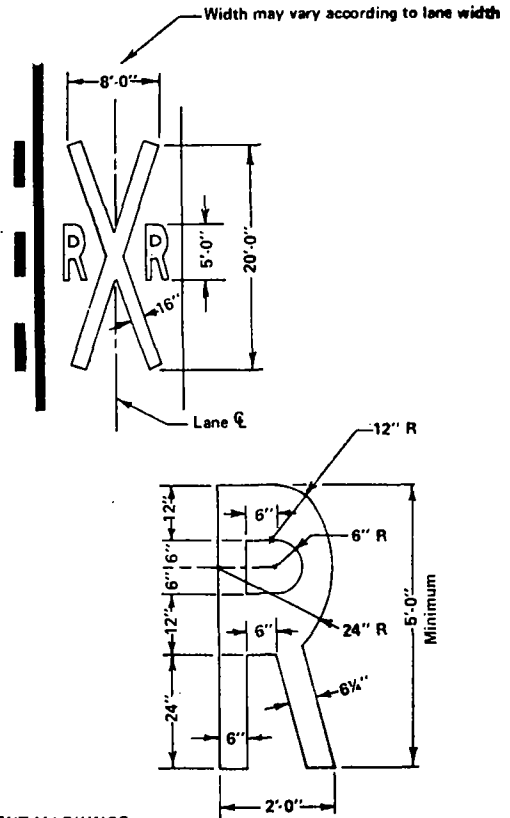
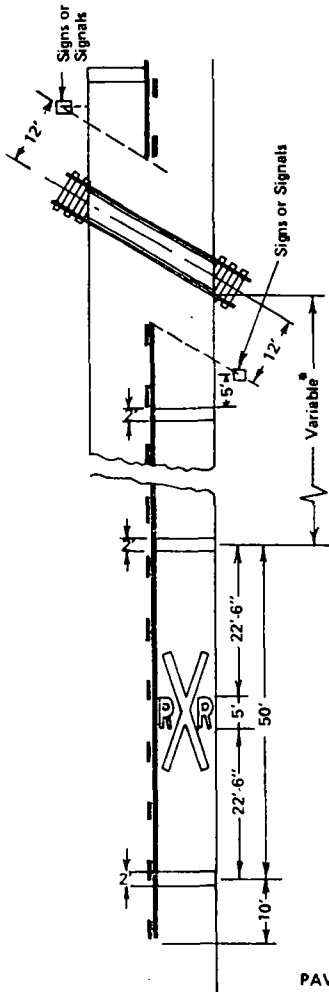
STOP SIGNS AT RAILROAD CROSSINGS

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 2

*The distance from the railroad crossing marking to the nearest track will vary according to the approach speed and sight distance of the vehicular traffic approaching, but probably should not be less than 50 feet.

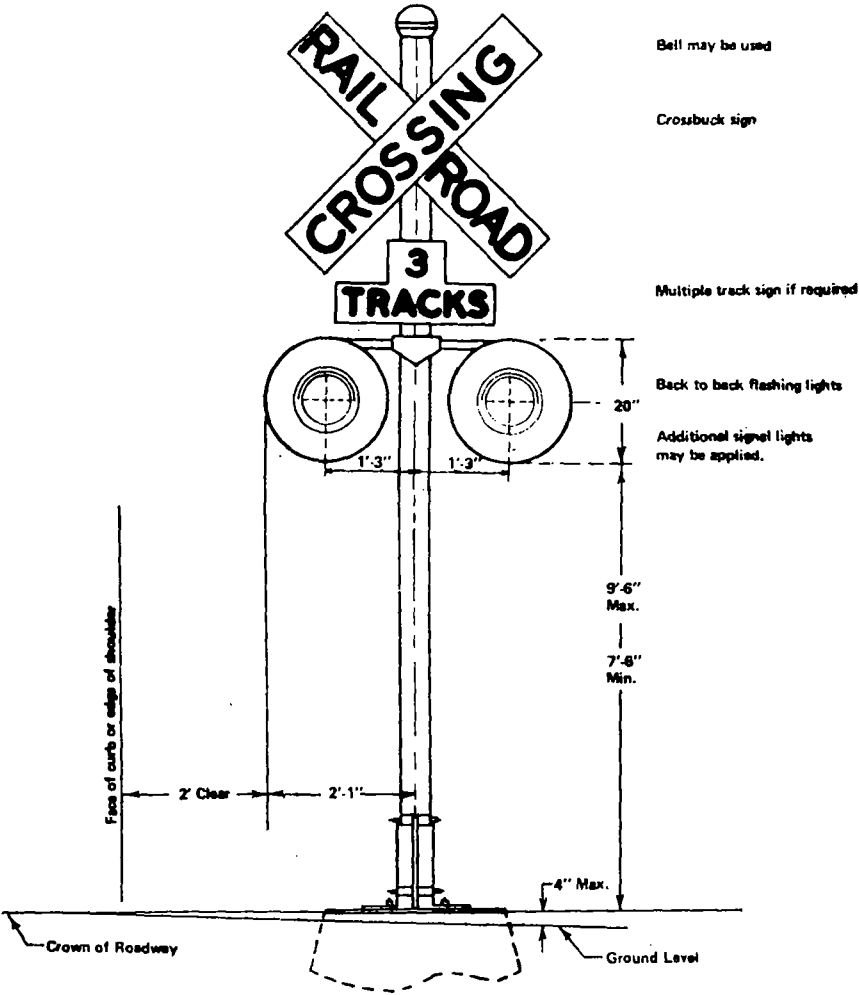
On multi-lane roads the transverse bands should extend across all approach lanes, and individual R X R symbols should be used in each approach lane.

Stop line may be parallel to and 15 feet from the tracks where there are railroad cross buck signs.

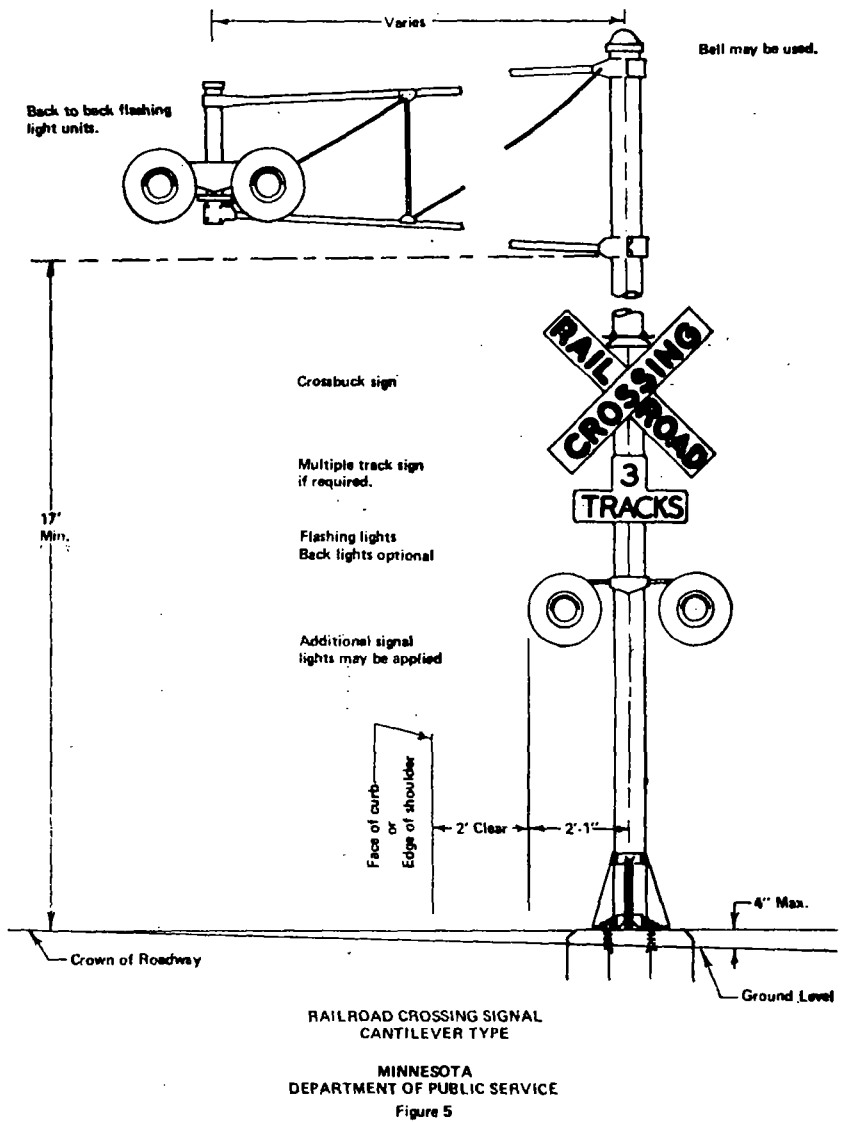


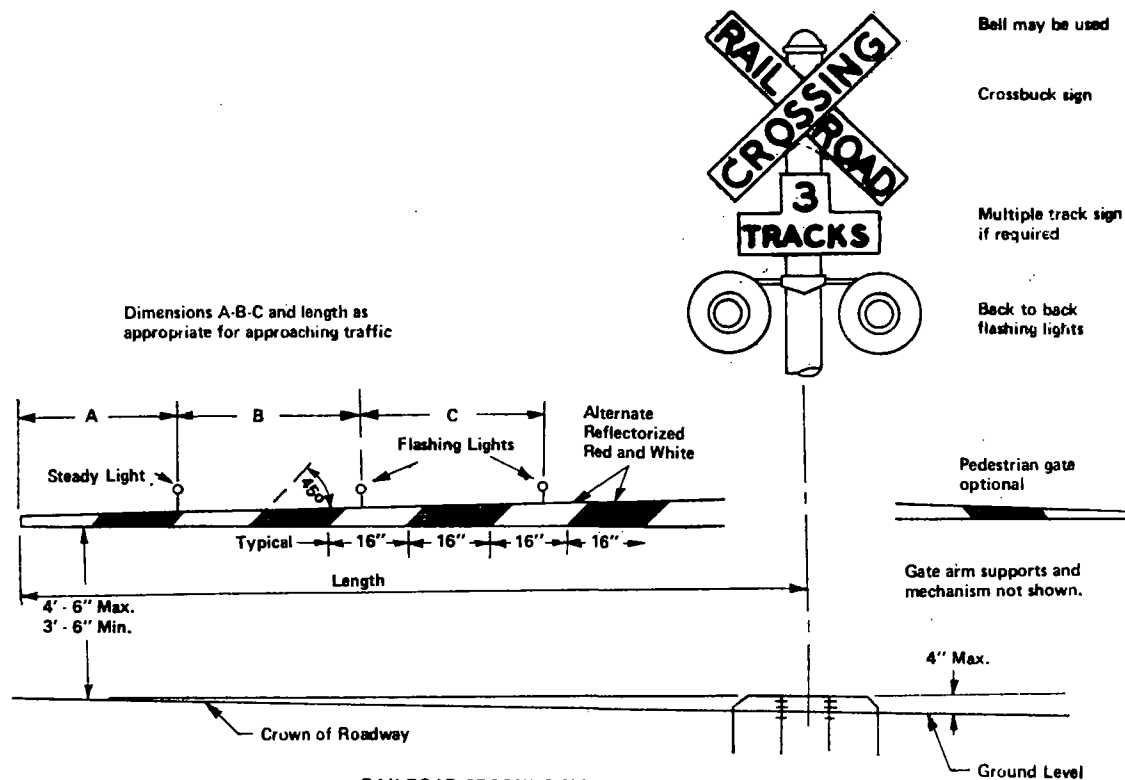
PAVEMENT MARKINGS
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Figure 3



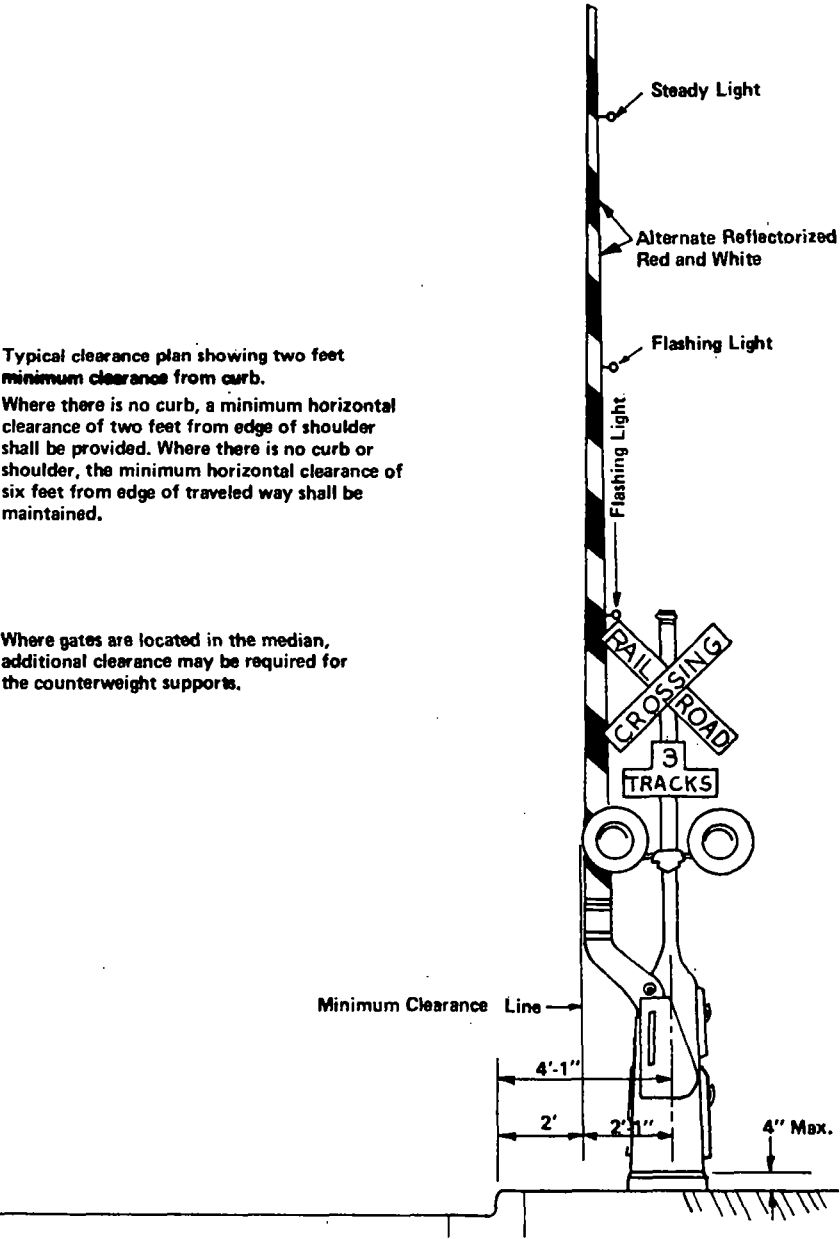
RAILROAD CROSSING SIGNAL
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 4



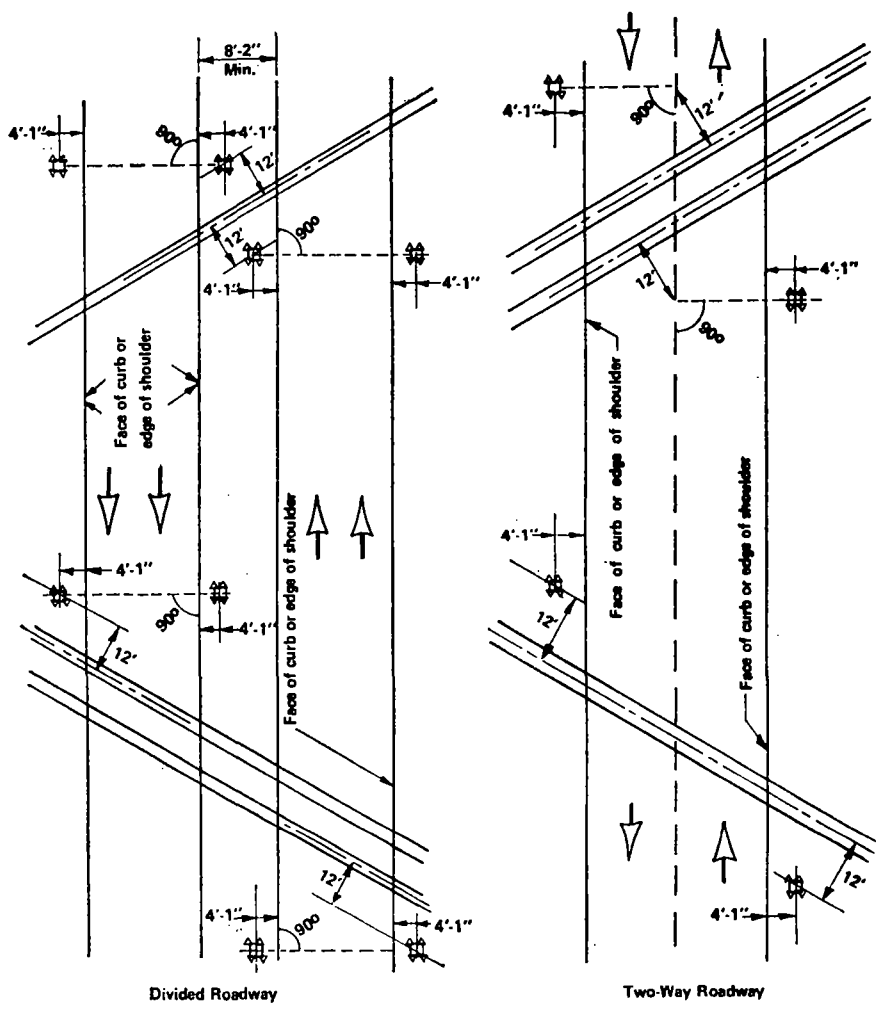


RAILROAD CROSSING SIGNAL WITH GATE

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 6



TYPICAL LOCATION PLAN FOR RAILROAD
CROSSING SIGNALS WITH OR WITHOUT GATE
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 7



STANDARD RAILROAD CROSSING SIGNAL LOCATIONS
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Figure 8

**DEPARTMENT OF PUBLIC SERVICE
STATE OF MINNESOTA**

(LOCATION)

OPERATING LICENSE

The aforementioned warning signal system of the approved

and alternating flashing light type, with its various parts and appliances, having been duly inspected and examined by the Department of Public Service of the State of Minnesota, on (DATE) , as provided by law, and having been found sufficient for the purpose of such a signal system, a plan of which is filed in this office;

NOW, THEREFORE, the aforesaid signal system is hereby approved in manner and form as described and shown upon the plan thereof now on file in the Office of the Department, and this license shall authorize the above-mentioned Railway Company to operate the said signal system until further order of this Department, subject, however, to the following conditions, to-wit:

FIRST: That the aforesaid Railway Company shall not operate its trains over the crossing without providing a warning time for the railroad crossing signals as required by PSC rule 221 (d) (3) and shall not operate its trains over the approach circuits of this signal system at a rate of speed in excess of
(MAXIMUM TRAIN SPEED)

SECOND: The aforesaid Railway Company shall cause said signal system to be frequently inspected and properly maintained and shall provide for its continuous efficient operation so long as it is in use under this license.

THIRD: When notified of failure of the aforesaid warning signal system to function properly, means shall be provided to furnish adequate warning for each train movement at said crossing until the signal system is again restored to normal operation.

FOURTH: No change shall be made in said signal system, or any of its parts, nor in the manner of operating the same, without the approval of the Department.

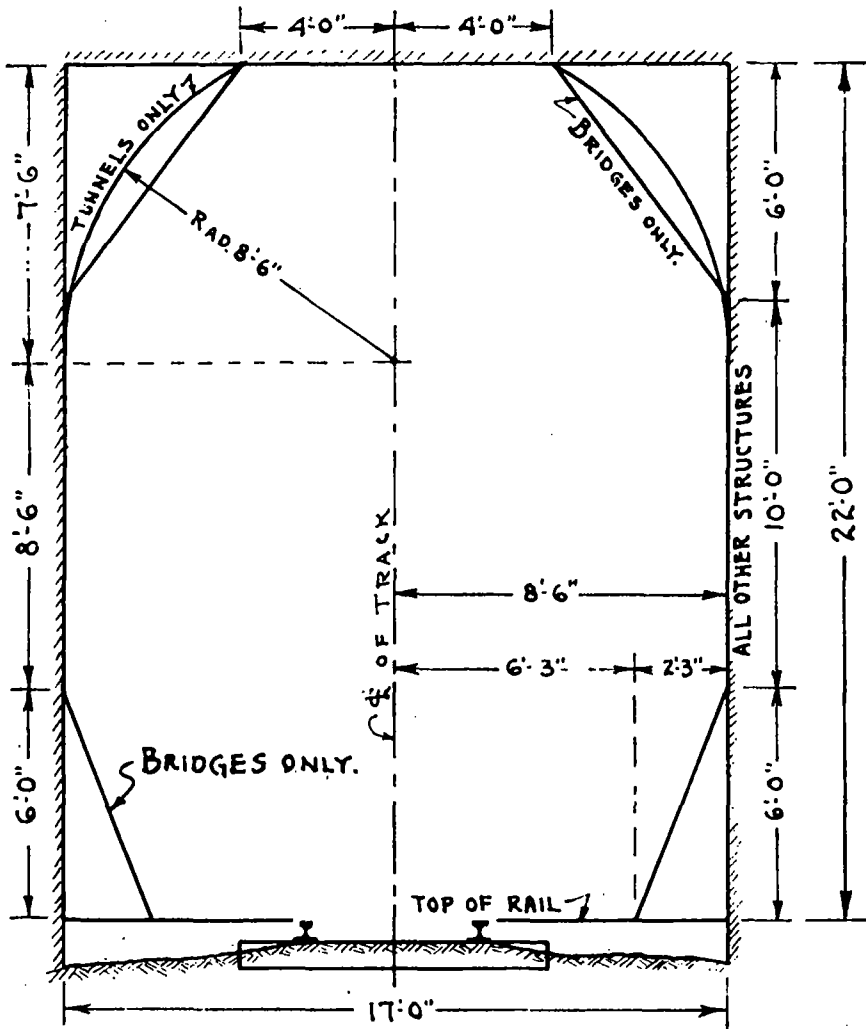
FIFTH: (Additional restrictions, if necessary)

**STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE**

Dated at St. Paul, Minnesota

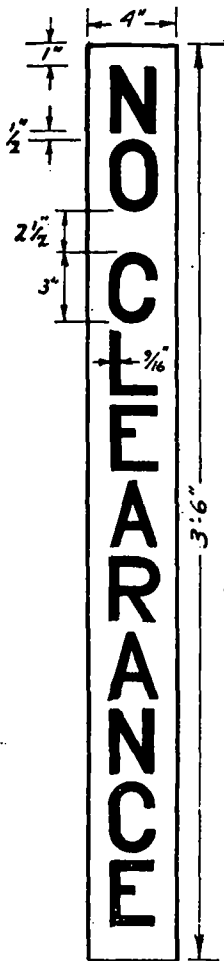
Engineer of Railway Negotiations

FIGURE 9

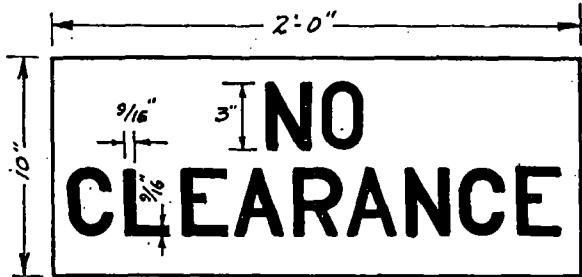


MINNESOTA
PUBLIC SERVICE COMMISSION
CLEARANCE DIAGRAM
STRUCTURES, BRIDGES & TUNNELS

ST. PAUL, MINN.
NOV. 17, 1944



STANDARD VERTICAL
NO CLEARANCE SIGN



STANDARD HORIZONTAL
NO CLEARANCE SIGN

*NOTE: Black letters on white background
Letters 3" high. 3/16" stroke.*

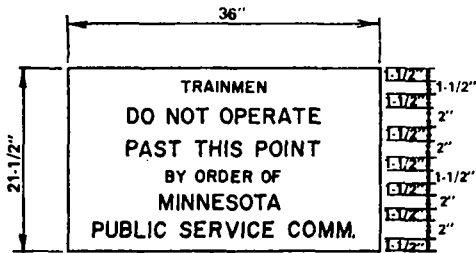
MINNESOTA
PUBLIC SERVICE COMMISSION

STANDARD
VERTICAL & HORIZONTAL
NO CLEARANCE SIGNS

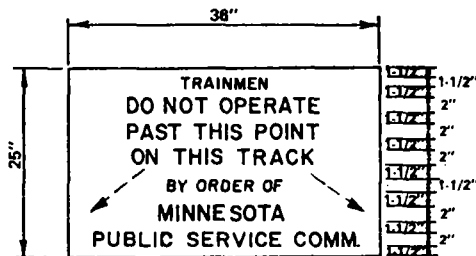
ADOPTED
MARCH 31, 1939
REV. SEPT. 22, 1967

File: G-43-f

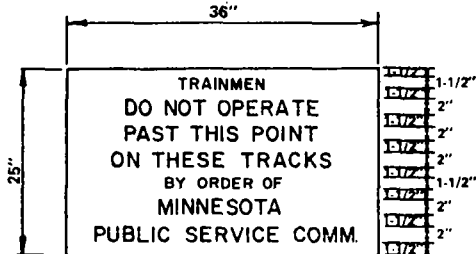
FIGURE 11



Type C-1



Type C-2



Type C-3

Warning Signs:
Black letters, 1-1/2" and 2"
with 1/4" stroke, on white background

Note: Arrow to be placed on left or
right side of the sign depending on
track involved.

Warning signs to be placed at point along
tracks beyond which trainmen are not to
operate. No such sign shall be placed at
any point along side or over any track
without authority of the Minnesota
Public Service Commission.

WARNING SIGN FOR TRAINMEN
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 12

Excerpt from
MANUAL ON
UNIFORM TRAFFIC CONTROL DEVICES
FOR STREETS AND HIGHWAYS
1971
OFFICIAL RULINGS ON REQUESTS FOR INTERPRETATIONS,
CHANGES AND EXPERIMENTATIONS,
VOLUME IV — OCTOBER 1973

U.S. Department of Transportation, Federal Highway Administration

**Sg-18 (Intr.) — Association of American Railroads Request Interpretation
of Section 4B-21 Related to the Use of Flashing Operation
at Grade Crossings**

The Association of American Railroads requested an interpretation of the meaning of the sixth paragraph of Section 4B-21 relating to traffic signals near grade crossings. The question was whether this paragraph prohibits flashing operation of traffic control signals following the track clearance phase.

The flashing red traffic signal indications are consistent with the meaning of railroad grade crossing signals in the Uniform Vehicle Code which requires a stop but allows the motorists to proceed if safe to do so. The flashing yellow indications controlling traffic on the street paralleling the tracks allows right or left turns into the street crossing the track except where prohibited by signs or other methods.

The most efficient traffic operation is usually achieved if, following the initial track clearance, movements not in conflict with the train operation are allowed. Flashing operation can in many instances provide this type of intersection efficiency.

The finding was made that the wording in the sixth paragraph of Section 4B-21 does not prohibit the use of flashing operation of traffic signals following the track clearance phase. Accordingly, the request was approved.

FIGURE 13

Inter-Exchange Access Rule

4 MCAR § 3.0230 Purpose and authority. It is hereby declared to be in the public interest that the public utilities commission adopt rules to govern inter-exchange calling within the State of Minnesota in order to provide the flexibility required to meet the needs of the customers who reside within the various telephone exchanges; to reflect the geographical boundaries of individual customer calling patterns; to reflect the individuals' "community of interest"; to offer customers fair and economical rates consistent with the customers' needs; and to most efficiently utilize telephone facilities. These rules are adopted pursuant to the commission's rule-making authority found in Minn. Stat. § 237.10, and the commission's authority to require telephone companies to charge just and reasonable rates and to furnish reasonably adequate service and facilities, Minn. Stat. § 237.06; to regulate the connection and disconnection between the exchange of one telephone company and the toll lines of another telephone company, Minn. Stat. § 237.12; and to regulate the construction of duplicating lines or equipment used for local, rural or toll telephone service, Minn. Stat. § 237.16.

4 MCAR § 3.0231 Definitions. In addition to the applicable definitions in Minn. Stat. §§ 237.01 and .02 and 4 MCAR § 3.0172, the following definitions apply to these rules:

A. "Community Calling Plan" means an optional service that allows the origination of toll calling at a fixed charge for an initial block of time per billing period and a unit charge for increments of time in a billing period beyond the initial block. A community calling plan may be proposed by a telephone company on its own initiative or after a petition by customers or upon an order from the public utilities commission after public meeting.

B. "Commission" means the public utilities commission.

C. "Extended Area Service" means inter-exchange calling for which a message toll charge is not assessed.

4 MCAR § 3.0232 Community calling plans.

A. Petition.

1. Customers in an exchange who desire a community calling plan shall file a petition with the department of public service. A copy of the petition shall be served on the telephone company which serves that exchange.

2. The petition shall be on a form supplied by the department. Blank forms shall be available from the department and in the offices of all telephone companies.

3. The petition shall include:

- a. The name of the telephone company that serves the exchange;
- b. the name of the exchange and the principal city in the exchange;
- c. the name, address and telephone number of the person representing petitioners to whom correspondence and commission orders shall be sent;
- d. the name, address and telephone number of each person signing the petition; and
- e. a statement that the signing customers request the community calling plan for their exchange.

4. The petition shall be signed by 15 percent or more of the customers or 200 customers, whichever is less, in the petitioning exchange.

5. There shall be only one signature per customer account. In the case of a business customer, a duly authorized agent or representative must sign.

6. The sponsor of the petition shall certify that the signatures on the petition are valid and comply with this rule.

B. Filing of tariff.

1. Within 30 days of service of the petition, the telephone company serving the exchange shall file with the commission a tariff that contains a community calling plan suitable to meet the needs of the petitioning exchange. The telephone company may request that the tariff be effective immediately on commission approval. The tariff shall be reviewed by the commission as a miscellaneous tariff filing.

2. A telephone company may initiate a community calling plan without being petitioned by filing a tariff that complies with this rule. The tariff shall be reviewed by the commission as a miscellaneous tariff filing.

C. Contents of plan.

1. The community calling plan shall provide during each billing period for an initial block of time and increments thereof at a rate below the rate that would occur for the existing toll schedule.

2. The community calling plan shall not exceed 40 miles in radius, as measured between central basing points, i.e., the vertical and horizontal coordinates of rate centers and exchanges in each exchange, unless the commission finds in writing, that the public need requires, or that the community of interest exists in an area with a larger radius. If the central basing point is within the radius described here, all of the exchange shall be included in the community calling plan.

3. The community calling plan shall not be limited to a specific direc-

tion, unless the commission finds in writing that the public need requires or the community of interest is limited to less than a 360 degree arc, but exchanges located within 40 miles of a metropolitan district central basing point may be offered a point to point calling plan. "Metropolitan district" means the exchange service areas for Duluth, St. Paul-Minneapolis, Rochester, or St. Cloud, as found on the service area maps filed at the department. "Point to point" means calling central basing points in less than a 360 degree arc.

4. The community calling plan shall apply to residential and business customers. The commission shall authorize different rates for residential and business customers if the commission finds it just and reasonable based upon the existing rate relationship between the two classes of service.

D. Settlements. Settlement agreements between Northwestern Bell Telephone Company and all operating telephone companies that settle on a cost basis, shall be revised to recognize the level of revenue generated by each message which qualifies for the community calling plan. The commission shall review each revised settlement agreement to determine whether the agreement accurately reflects the revenue impact of the community calling plan upon the telephone companies involved and approve those agreements which are just and reasonable. In determining whether an agreement is just and reasonable, the commission shall consider:

1. Duration of qualifying messages;
2. number of qualifying messages;
3. expenses related to processing qualifying messages;
4. length of haul of qualifying messages;
5. revenues generated by qualifying messages.

4 MCAR § 3.0233 Extended area service.

A. Petition.

1. Customers that desire installation or removal of extended area service from an exchange shall file a petition with the department of public service. A copy shall be served on the telephone company that serves the exchange and on the telephone company that serves the exchange to which the installation or removal of extended area service is desired.

2. The petition shall be on a form supplied by the department. Blank forms shall be available from the department and in the offices of all telephone companies.

3. The petition shall include:

- a. the name of the telephone company serving the petitioners' exchange;

b. the name of the telephone company serving the exchange to which the installation or removal of extended area service is desired;

c. the name of each exchange and the principal city in each exchange;

d. the name, address and telephone number of the person representing the petitioners to whom correspondence and the commission's order shall be sent;

e. the name, address and telephone number of each person signing the petition; and

f. a statement that the signing customers desire to have extended area service either installed or removed from the named exchanges.

4. The petition shall be signed by 15 percent or more of the customers or 600 customers, whichever is less, in the petitioning exchange.

5. There shall be one signature per billing number. In the case of a business customer, a duly authorized agent or representative must sign.

6. The sponsor of the petition shall certify that the signatures on the petition are valid and comply with this rule.

7. The petition shall be kept on file and made available to the public at the department and in the local exchange office of the telephone companies. Anyone who wishes to challenge the validity of the signatures on the petition shall file a written protest, and shall identify the grounds therefore, with the department within 30 days of service of the petition. Copies of the protest shall be sent to the petition sponsor and to the telephone companies. The commission and the telephone companies shall use customer billing records to check the validity of the signatures.

B. Traffic study. The telephone company serving the petitioning exchange shall conduct a telephone traffic study between the exchanges for which the installation or removal of extended area service is proposed, unless other, equally reliable traffic study data is presently available. Centralized Message Data System (CMDs) data may be considered acceptable traffic study data. The traffic study shall be filed with the department within 45 days of the date of service of the petition. The commission shall grant an extension of time upon a finding that appropriate CMDs data, or other reliable data, is presently unavailable.

C. Tariff filing. Within 50 days of the date of service of the petition, the telephone companies shall file with the department tariffs that contain the proposed rates for the exchanges if extended area service is installed or removed and either a statement of intention to install or remove the extended area service if the commission should order them to do so or a notice of objection to installation or removal of extended area service. The commission shall grant an extension of time upon a finding that the company is unable to collect and compute the information required for a tariff filing within the 50 day time limit without undue hardship.

1. The proposed rates shall be based on the company's statewide average embedded book cost to provide or savings due to removal of the service. The cost or savings shall be determined using the ratio of the company's statewide average embedded book cost to current cost applied to the current engineering cost of furnishing extended area service over the specific route.

2. The cost of providing or the savings from removing extended area service over the petitioned route shall be divided equally between the exchanges involved unless the commission determines that an alternative cost apportionment is fair and reasonable, based upon facts 1 through 7 and 11 of 4 MCAR § 3.0233 D.

3. The cost or savings shall be apportioned among the customers in an exchange so that the relationship between the rates for the classes of service remains the same.

D. Stipulation of facts. Within 60 days of the date of service of the petition, the staff of the department of public service and the telephone companies serving the exchanges in question shall enter into a stipulation of facts, which shall contain information upon which the commission can base a determination of whether the public interest requires installation or removal of the extended area service. The stipulation of facts, no single one of which shall be dispositive, shall contain the following information:

1. The results of the traffic study.
2. The cost study based on the embedded book cost.
3. The proposed rates if extended area service is installed or removed.
4. The size of the exchanges involved.
5. The location of government, commercial, employment, and social centers for persons living within the petitioning exchange.
6. The location of schools and school districts serving the petitioning exchange.
7. The location of medical, emergency medical, law enforcement, and fire protection services serving the petitioning exchange.
8. If installation is desired, the additional facilities that will need to be installed and the existing facilities that will be utilized and that will no longer be utilized.
9. If removal is desired, what facilities will no longer be useful or reusable for other services.
10. When ordered by the commission, the results of any informational polling of the subscribers in one or both exchanges.

11. The average monthly toll billings per main station over the proposed route.

E. Public meeting. Within five days of receipt of the stipulation, the commission shall schedule a public meeting. The public meeting shall be conducted no later than 45 days after the stipulation is received by the commission.

F. Hearing. The petition shall be assigned to the office of administrative hearings for contested case hearing if within 10 days after the public meeting:

1. Either company files a notice of objection to the installation or removal of extended area service as requested by the petition; or

2. Ten percent or more of the customers or 100 customers, whichever is less, in at least one affected exchange file a notice of objection with the commission or the commission finds that such a number of customers appeared at the public meeting and gave notice of their objection to the installation or removal of extended area service as sought in the petition.

The staff of the department and the telephone companies shall establish a record before the hearing examiner which includes the information required under the stipulation of facts. The record may be established by a stipulation of facts or by testimony and exhibits containing the necessary information. Comments mailed to the hearing examiner shall become part of the record.

G. Notice. In addition to notice required by statute or the rules of the office of administrative hearings, the telephone companies serving the exchanges shall give notice of the public meeting or hearing to all customers in the affected exchanges by billing insert, and publication in the legal newspapers of the county seat towns in the counties in which the exchanges involved are located. The customers shall be given a minimum of 10 days notice of the public meeting or hearing. The notice shall contain an explanation of the proposed installation or removal plan, the proposed rate, the time, date and location of the public information meeting or hearing, statement that comments may be sent by mail to the commission or the hearing examiner, and the address of the public utilities commission or office of administrative hearings.

H. Final order of the commission.

1. If a contested case hearing is not necessary, the final order of the commission shall be issued within 30 days of the public meeting.

2. If a contested case hearing is held, the commission will issue a final order within 60 days after receipt of the report of the hearing examiner.

3. The commission shall order the installation or removal of extended area service if it finds that such an action is required by the public interest.

I. Repetitioning. The commission shall not order the removal of extended area service within five years of installation nor shall the commission consider a petition for installation of extended area service sooner than two years after denying a previous petition for installation of extended area service between the same two exchanges.

CHAPTER NINE: PSC 240-249

LOCAL GRAIN WAREHOUSES

PSC 240 Definitions.

A. "Bond" means an obligation, underwritten by a corporate surety acceptable to the commission, and running to the State of Minnesota, as obligee, for the purpose of indemnifying depositors and sellers of grain against breach of contract by any licensee.

B. "Depositor" means any person who is the owner or legal holder of an outstanding receipt, or open scale ticket marked for storage, on which a receipt is to be issued in accordance with MSA Sec. 232.06, Subdivision 1, representing any grain stored in a public local grain warehouse or in a grain bank licensed under the provisions of MSA Sec. 236.02.

C. "Grain Buyer" means any person who, while not qualified to obtain a warehouse license, engages in the business of purchasing grain for resale, but need not use his own vehicles to transport grain so purchased.

D. "Itinerant Grain Buyer" means any person who, using a truck, tractor-trailer unit or other vehicle, owned and/or operated by the licensee, travels from place to place to purchase grain for the purpose of resale.

E. "Person" means every corporation, company, joint stock company or association, partnership, firm or individual and includes their agents, trustees, assignees or duly appointed receivers.

F. "Private Local Grain Warehouseman" means any person licensed to operate a warehouse for the sole purpose of purchasing, handling, processing and shipping grain or its by-products and who is not authorized to accept grain belonging to others for storage.

G. "Public Local Grain Warehouseman" means any person operating a warehouse wherein grain belonging to persons other than the warehouseman is accepted for storage or who holds himself out as offering grain storage or warehouse facilities to the public for hire.

H. "Scale Ticket" means a memorandum showing weight, grade and kind of grain which is issued by a warehouseman to every patron at the time such grain is delivered.

I. "Warehouse" means any building, structure, other protected enclosure or part thereof, or any bins, tanks, silos or containers suitable for use in the storing, handling, processing or shipping of grain. Unless the context clearly indicates a different meaning, "warehouse" may be used interchangeably with "elevator", "storage house" or "facility".

J. "Warehouseman" means any person owning, controlling, operating or managing, directly or indirectly, any licensed public or private local grain warehouse.

K. "Warehouse Receipt" means a formal record issued to a depositor by the warehouseman under the provisions of MSA Sec. 232.06, Subdivision 1, in which case the instrument is negotiable, or under the provisions of MSA Sec. 236.02, in which case the instrument is non-negotiable. Unless the context clearly indicates a different meaning, "warehouse receipt" shall have the same meaning as, and may be used interchangeably with, "receipt", "legal warehouse storage receipt", "storage receipt" or "storage ticket".

PSC 241 Licensing and bonding. The director of the warehouse division is hereby authorized and directed to issue, in a manner approved by the commission, all licenses for which provision is made in the statute and to approve, in like manner, all license renewals of a routine nature. Said director shall require all licensees to maintain necessary bonds in a penal sum fixed by the commission and shall, at least twice annually, transmit to the commission a report on the status of all licensees together with any recommendations deemed pertinent. There shall be no deviation from established licensing and bonding policy without prior approval of the commission. Licenses which may be issued in this manner are:

DESIGNATION:	STATUTORY AUTHORITY:
A. License to buy grain	MSA 232.02, Subdivision 1
B. License to buy and store grain	MSA 232.02, Subd. 2
C. License to buy grain (other than a licensed warehouseman)	MSA 232.02, Subd. 3
D. Grain bank license	MSA 236.02
E. Itinerant grain buyer's license	MSA 232.02, Subd. 3
F. Flax straw, flax tow or hay buyer's license	MSA 223.12, Subdivision 1
G. Commission merchant's license	MSA 223.02
H. Public terminal warehouse license	MSA 233.08

PSC 242 Public local grain warehouses.

A. Adjoining warehouses owned or operated by the same person may be covered by a single license provided such warehouses are connected by a spout or conveyor which permits the movement of grain, in each direction, from one warehouse to the other. Bins, tanks, or other structures which are not self-contained warehouses shall be designated as detached facilities and

may operate under the license of the primary house. No conventional elevator may be considered as a detached facility unless the head-house is permanently inoperable.

B. All warehousemen shall, on or before the tenth day of each month, file with the warehouse division, on forms approved by the commission, a report showing the net cash liability of all grain outstanding on warehouse receipts as of the close of business on the last day of the preceding month. Should any warehouseman willfully neglect or refuse to file such report for two consecutive months, the warehouse division director may request authorization from the commission to order that the surety increase the penal sum of the licensee's warehouse bond in such amount as the commission may direct.

C. Every warehouseman shall keep in a place of safety, complete and accurate records and accounts relating to any warehouse operated by him. Such records shall reflect each commodity received and shipped daily, also the balance remaining in the warehouse at the close of each business day; a listing of all unissued warehouse receipts in his possession and a record of all receipts issued by him which remain outstanding, as well as those which have been returned for cancellation. Copies of receipts or other documents evidencing ownership of grain by a depositor, or other liability of the warehouseman, shall be retained as long as the liability exists but must be kept for a minimum of three years.

D. Every warehouseman must maintain in his warehouse at all times grain of proper grade and sufficient quantity to meet delivery obligations on all outstanding warehouse receipts.

E. Grain encumbered by any outstanding warehouse receipt(s) may be moved from the issuing warehouse only under the following conditions:

1. When the original warehouse receipt is presented by the depositor for cancellation the grain may be moved to any licensed warehouse provided a receipt is issued by such warehouse to the depositor if requested by him.

2. When a warehouseman leases space in a licensed warehouse within the State of Minnesota for the purpose of re-concentrating grain, the original receipt(s) shall be cancelled, with the depositor's consent, and a single currently-dated receipt issued containing the following statement:

"Owner waives re-delivery, at this station, of grain represented by this receipt."

Such statement must be signed by the depositor and all legally accrued charges against the grain settled when the replacement receipt is issued; liability for said receipt shall remain an obligation of the issuing warehouseman who must assess and collect storage charges as required by MSA Sec. 232.06, Subdivision 1, and arrange for renewal or termination of the contract pursuant to the provisions of MSA Sec. 232.14. Verification that grain of proper grade and amount is actually credited to his account shall be provided by the

aforesaid issuing warehouseman when required for the purpose of establishing compliance with Rule PSC 242 D. Such verification shall be in the following form:

VERIFICATION

This is to certify that there is in store at this warehouse _____
_____ bushels of _____, held for
the account of _____, which
will be redelivered to _____
on demand. We further certify that the statutory storage rate will be assessed
against this grain.

Dated: _____, 197__

By _____

An Authorized Signature

F. Every warehouseman must carry fire, lightning, extended coverage and inherent explosion insurance to the extent of the full market value of all grain outstanding on warehouse receipts; except, however, the insurance may provide for a deductible provision not exceeding one percent (1%) of the net worth of the warehouseman. In the event that damage occurs to receipted grain, the warehouseman shall, upon demand by the depositor, and, upon being presented with the receipt(s) or other legal evidence of ownership, make settlement, after deducting the warehouseman's charges and advances. The value of the grain in question shall be determined on the basis of the market value less freight charges, at the time of such loss or damage, at the terminal market selected by the warehouseman for the purpose of determining cash value on his insurance reporting form for the preceding month. In the event such settlement, or other satisfactory arrangement for payment, has not been made within ninety (90) days from the date of such demand, the depositor may seek recovery from the surety.

G. The storage contract may be terminated by the depositor at any time prior to the expiration date by the payment or tender of all legal charges and surrender of the warehouse receipt, together with a demand for delivery or proper notice to the warehouseman to sell such receipt. Delivery charges may be assessed only when actual delivery of the grain is made to the depositor, or his order, from the issuing warehouse or, at the request of the depositor, from another warehouse as provided under Rule PSC 242 C. above. Nothing herein contained shall be so construed as to prohibit the assessment and collection of delivery charges, set by the warehouseman's posted tariff, for grain handled and delivered to cars on consignment.

H. While a warehouse receipt is outstanding, no other or further receipt

shall be issued for the grain represented thereby, or any part thereof, except that, in case of a lost, stolen or destroyed warehouse receipt, the depositor shall be entitled to a new receipt, plainly designated to be a duplicate or substitute for the one missing, indicating the date of issuance of the original, as well as the replacement, receipt. Before issuing any such duplicate the warehouseman shall require the depositor to make and file an affidavit stating that the applicant is lawfully entitled to possession of the original receipt and that he has not negotiated or assigned it; the circumstances in which it was lost or destroyed, and that, in case of loss, a diligent effort has been made to find same; the warehouseman, may, if he desires, require the applicant to post a bond in an amount not more than double the value at the time the bond is given, of the grain represented by the lost or destroyed receipt; such bond shall be conditioned to indemnify the warehouseman against any loss which might be sustained because of the issuance of such duplicate receipt, shall be in a form approved by the commission, and be executed by a corporate surety licensed to operate in the State of Minnesota, or by at least two individuals who are Minnesota residents each of whom owns real property within the state having a value, in excess of all exemptions and encumbrances, equal to the amount fixed as the penal sum of the bond. A valid duplicate or substitute receipt shall be endowed with all rights appertaining to the document in lieu of which it was issued.

I. Every warehouseman shall post conspicuously in his warehouse a statement of charges, including those set by statute for storage and re-delivery, to be made by him for the various services rendered to patrons. No charge different from that posted shall be made to any patron.

J. Any grain held in a special bin, received for direct consignment, for custom drying or any other purpose, which remains in a warehouse for a period exceeding twenty-four (24) hours following completion of the service for which the grain was tendered, or subsequent to the spotting of an acceptable vehicle for the transportation of same, shall be considered as stored grain. Scale tickets and warehouse receipts issued for such grain shall show the name of the owner, the kind of grain and the weight thereof; grade and dockage need not be shown.

K. When a warehouse license is terminated by reason of sale, discontinuance of business, failure to renew such license, or for any other reason, the operator must forthwith discontinue accepting grain for storage and deliver or purchase all grain belonging to others on store in the warehouse. No licensee may sell or lease his warehouse unless proper indemnity is provided to all depositors; agreement, in writing, by the warehouseman's successor to assume liability for all receipts outstanding at the time of take-over or cancellation and re-issue of outstanding receipts by such successor shall constitute sufficient indemnity.

L. Whenever it appears that a warehouseman does not have on hand grain of sufficient quality and quantity to cover his outstanding warehouse receipt obligations, notice shall be given by the commission to said warehouseman requiring that the shortage be corrected immediately. If the warehouseman

fails to comply with such order within ten (10) days, the commission may petition the district court for an order authorizing the seizure of all, or any part, of the grain stored in such warehouse, together with all pertinent books and records. If such petition be granted, written notice of any action taken shall be given to the warehouseman's surety. If deemed necessary, depositors of record, as shown by the warehouseman's books, may be notified to present their warehouse receipts for inspection or accounting. An audit, or other investigation of the affairs of such warehouse, if approved by the court, may be made by the commission, or its agents, for the purpose of determining the amount of shortage and computing the portion of loss sustained by each depositor. The warehouseman and his surety shall be notified forthwith of the approximate amount of any shortage and each depositor shall likewise be informed thereof by a notice mailed to his last known address as evidenced by the records of the warehouseman. Unless ordered sooner to do so by the court, the commission shall surrender jurisdiction when the warehouseman, his surety, or both, shall have satisfied all valid claims.

M. If, during the course of any audit or investigation conducted pursuant to the provisions of Rule PSC 242 L., the commission finds evidence that the warehouseman is insolvent or is unable to satisfy the claims of all depositors, the court shall immediately be so informed and petitioned to appoint a receiver to operate or liquidate the business of such warehouseman in accordance with the provisions of law.

PSC 243 General provisions.

A. All grain banks, whether operated separately or in conjunction with a public local grain warehouse, shall be subject to the provisions of Rule PSC 242 insofar as they apply to such operation.

B. For the purpose of determining whether a voluntary extension of credit has been made where the statutory limitation relating to bonded purchasers of grain is at issue, the demand date on any transaction which involved the sale of grain shall be no later than the end of the business day next succeeding the day upon which delivery of the grain by the seller to the buyer is completed.

C. All scale tickets, negotiable and non-negotiable receipts must, in addition to containing those statements required by statute, be consecutively pre-numbered and have stamped or printed thereon the name and location of the issuing warehouse.

D. In no event may more than one receipt, either negotiable or non-negotiable, be issued against the same parcel of grain except in the case of a lost, stolen or destroyed receipt replaced in accordance with Rule PSC 242 H.

E. The charge for receiving, handling and delivering grain at any public terminal warehouse shall not exceed the tariff which has been filed with the commission by the warehouseman assessing such charge. All filed tariffs must comply with the provisions of MSA Sec. 233.10.

F. Any complaint to the commission must be in writing, state specifically the charge or charges upon which such complaint is based and must be signed by the complainant.

G. The intentional violation of any of the provisions contained in these rules shall make the violator liable to the full penalty provided by law in such cases.

H. These rules replace and supersede any and all rules heretofore made and adopted by the commission for the regulation and operation of grain warehouses.

PSC 244-249 Reserved for future use.

Filed October 2, 1974.

CHAPTER TEN: PSC 250-269

WAREHOUSES
(Other than Grain or Cold Storage)

NOTE: The following rules shall apply to all warehousemen, as hereafter defined, except those rules preceded by the letter "H," which letter "H" shall indicate such rule applies to warehousemen engaged in the storage of household goods as hereafter defined.

PSC 250 Definitions.

A. The term "household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments; and articles including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

B. "Commission" means the Public Service Commission.

PSC 251 Warehouse receipts shall be issued by all warehousemen and must comply with the requirements of the Minnesota Uniform Commercial Code.

A. A copy of the form of receipt used by the warehouseman shall be furnished to the Commission with the application for license.

B. All receipts shall show in conspicuous type whether or not the property for which the receipt has been issued is insured, for the benefit of the depositor, against fire or any other casualty.

C. The property of each depositor shall be specifically designated under a lot number, which number must appear on the receipt for the purpose of identification.

D. Unless notice be given by the depositor to the warehouseman in writing within thirty (30) days after the date of mailing or delivery to the depositor of the warehouse receipt, stating that there are errors or omissions in the list of goods, and specifying the same, the warehouseman shall be entitled to assume that the list of goods set forth in the warehouse receipt is a complete and correct list of goods tendered to the warehouseman for storage, under the terms and conditions of the contract, and shall constitute acceptance by the depositor of all terms and conditions of the contract.

E. If the depositor, subsequent to the original storing, places other goods

with the warehouseman for storage, such additional goods may come in under the same terms and conditions as if a part of the original lot.

F. Notices by the warehouseman to the depositor pertaining to the goods, wares or merchandise shall be sent to the depositor at the address given at the time of depositing the goods, wares or merchandise with the warehouseman, unless written notice of change of address is received by the warehouseman from the depositor. Notices mailed by the warehouseman to the last address given by the depositor shall constitute effective notice for all purposes.

PSC 252 Liability—limitation—other than household goods. Unless otherwise specified by the depositor in writing, it shall be agreed and be prima facie proof that no one piece, package, or complete article with the contents thereof, enumerated in the list of goods in the warehouse receipt of contract exceeds the sum of fifty (50) dollars in value. If the depositor declares in writing a higher valuation, the warehouseman may charge a higher rate for storing such pieces, packages or complete articles. Each warehouseman shall, upon the day of storage, clearly inform the depositor, in writing, that he may declare such higher valuation.

PSC H-253 Liability—limitation—household goods.

A. From and after the date of storage, the warehouseman storing household goods shall, on behalf of the depositor, cause the stored goods of the depositor to be insured at least in the amount of \$1.25 per pound per article against loss from any peril covered by standard fire and extended coverage policies. The depositor shall pay to the warehouseman the cost of such insurance in addition to other warehousing charges.

B. Provided, however, that the depositor may declare in writing that the value of the stored goods does not exceed 60¢ per pound per article, and if the depositor shall so declare the value of the goods stored, the depositor shall be so limited in the recovery of any damages against the warehouseman.

C. Warehousemen whose charges for storage are not based upon actual weight, and who may not, therefore, have available an actual weight figure, may use a weight figure obtained by application of the constructive weight rule in effect in such warehousemen's tariff.

D. Each warehouseman shall, upon the day of storage, clearly inform the depositor in writing of the substance of A. and B. above. If the depositor's goods are delivered to the warehouseman for storage by another person, the warehouseman shall so inform that person of the depositor's rights and obligations under A. and B.

E. Nothing in this rule shall be deemed to impose liability upon a warehouseman for damages where such liability would not otherwise be imposed under the provisions of the Uniform Commercial Code, Minn. Stat. ch. 336, and in particular, Minn. Stat. 336.7-204.

PSC 254 Tender for storage. At the time of or prior to tender of goods for storage by a depositor, a Storage Order must be signed in writing by the depositor, or his duly authorized representative, which must show the name and address of the warehouseman in whose custody the goods are to be deposited.

PSC 255 Goods—labeling. When a warehouseman receives a lot of goods, he must identify each article or lot by tag or lot number, as recorded on the warehouseman's books and on the warehouse receipt or contract.

PSC 256 Rates—charges—tariffs. Every warehouseman shall file with the Commission and keep open for public inspection a printed schedule of rates and charges, in conformity with Minn. Stat. § 231.11. All tariffs of rates and charges shall contain terms and conditions under which the rates and charges are assessed. A warehouseman shall charge no more nor no less than the rates and charges so published and filed with the Commission, as provided by law.

Thirty days written notice preceding effective date of any alteration in rates must be given depositor by warehousemen.

PSC 257 Fire—protection. All warehouses must be protected against fire by an automatic device or fire extinguishers. Extinguishers must be recharged at least once a year and tagged, showing the date of such re-charge. Where an automatic device is maintained, it must be kept in complete working condition at all times. Goods, wares or merchandise must not be piled to a greater height than 1½ feet from the outlets of the automatic device.

PSC 258 Load—floor. No warehouse floor or part of floor shall at any time be loaded or stored with a greater weight of goods or materials per square foot than the floor will sustain with safety, and if the Commission directs a warehouseman to ascertain from a competent registered architect or engineer, or from the proper municipal authorities as to what may be the safe load capacity in pounds per square foot of each floor of his warehouse or warehouses, he shall do so without unnecessary delay, and must post signs in several conspicuous places on each floor, stating the safe live load such floor will sustain.

PSC 259 Warehouses—new—opening—abandonment. No building or structure shall be used as a warehouse or branch warehouse until it has been inspected and approved for warehousing purposes by the Commission.

Whenever a warehouseman ceases to use a building or other structure, he shall promptly notify the Commission thereof.

PSC 260 Aisles—dust—litter—packing—crating. On each floor where there is open storage of goods, wares or merchandise, there must be aisles wide enough to permit of the free and unimpeded passage of goods, wares or merchandise. All aisles must be kept free from obstructions, dust and litter.

Pieces of overstuffed furniture, mattresses, rugs, carpets and other goods not stored in containers must be protected by wrapping before being placed in permanent storage.

Warehousemen storing household goods shall have available a packing or crating room partitioned off from the storage of goods on the same floor.

PSC 261 License period. All warehouse licenses expire on September 30th of each year.

PSC 262 Bonds. No surety bond required of a warehouseman under Section 231.17 will be acceptable to the Commission unless it is written by a surety company authorized to do business in Minnesota.

Warehousemen shall file a surety bond and in an amount to be determined by the Commission as reasonable for warehousemen in cities and villages subject to Minn. Stat. 231, but shall not be less than \$10,000.00.

A new surety bond must be filed with each application for a license to do business as a warehouseman.

PSC 263-269 Reserved for future use.

Filed April 17, 1968.

PSC 262 amended November 30, 1972.

CHAPTER ELEVEN: PSC 279-336 GAS AND ELECTRIC UTILITIES

CUSTOMER SERVICE RULES AND STANDARDS

PSC 279 Effective date. Within three (3) months of the effective date of these rules, each utility shall file their revised rules which shall be in compliance with PSC Rules 280 to 336.

CUSTOMER COMPLAINTS

PSC 280 Reserved for future use.

PSC 281 Customer information. The utility is responsible for informing its customers of the following information as prescribed by following provisions:

A. A sign or notice, which shall be approved by the Commission, posted prominently and conspicuously at all utility office locations open to the general public. The sign or notice shall state where, when, and to whom a complaint is to be directed, and the address of the Public Service Commission and its availability for mediation upon written request.

B. The utility shall, at its expense, publish "customer information," that will be offered to each new customer, and upon request, to any existing customer. This "customer information" must be submitted to the Commission for approval. This "customer information" must, at a minimum, include the following:

1. The utility's own customer policies governing the following areas.
 - a. bill collections,
 - b. notice of disconnection,
 - c. disconnection of service,
 - d. reconnection of service,
 - e. deposit and guarantee requirements, and
 - f. meter reading procedures.
2. The rate schedule pertaining to the customers of that area. The current rate schedule as required by PSC 310 c. may be attached to the "information" to meet this requirement.
3. The title, addresses and phone numbers of the department(s) of the utility to which complaints should be directed, including a telephone number for customers to call in emergency situations or a concise statement as to where such information can be obtained.

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4. The information contained in PSC 282 B. and PSC 303.

5. This statement: "The Minnesota Public Service Commission regulates this utility and is available for mediation upon written request", and the address of the Minnesota Public Service Commission.

C. The utility's billing statements to its customers must contain this information:

1. This statement: "Register any inquiry or complaint at . . ." (and list the address and telephone number of the utility, designating where the customer may initiate an inquiry or a complaint, or a concise statement as to where such information can be obtained).

2. A notice to customers of the availability upon request of the "customer information."

PSC 282 Complaint procedures.

A. The utility shall establish such procedures whereby qualified personnel shall be available during regular business hours to receive and, if possible, resolve all customer inquiries, requests and complaints.

B. If any complaint cannot be promptly resolved, the utility shall contact the customer within five (5) business days and at least once every fourteen (14) calendar days thereafter, and advise the customer regarding the status of its investigation until:

1. the complaint is mutually resolved; or

2. the utility advises the customer of the results of its investigation and final disposition of the matter; or

3. the customer files a written complaint with the Public Service Commission or the courts.

C. When the Public Service Commission forwards a customer complaint to the utility, the utility shall notify the Commission within ten (10) business days regarding the status or disposition of the complaint.

PSC 283 Complaint records. Each utility shall keep a record of complaints received by it from its customers which shall be classified as directed by the Public Service Commission:

A. The record shall show the name and address of the complainant, the date and nature of the complaint, and its disposition and the date thereof.

B. The utility shall keep records of customer complaints in such a manner that will enable it to review and analyze its procedures and actions.

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PSC 284 Reporting requirement.

A. Each utility shall file an annual report on or before May 1 with the Utilities Division of the Public Service Commission containing the following information:

1. The total numbers of resolved and unresolved complaints by class of service and type of complaint.

2. The total number of customers in each class of service and the total number of customers who initiated service during the past year.

3. The names, addresses, and telephone numbers of personnel designated and authorized to receive and respond to the requests and directives of the Public Service Commission regarding customer inquiries, service requests and complaints. The utility shall keep this information current and if changes occur, the utility must inform the Commission immediately of these changes.

B. This report will be an "official" document and all information must be verifiable and available for inspection and investigation by Commission staff.

C. The utility must provide upon notice by the Commission, an up-to-date report of this type prior to any hearing before the Commission, or upon any official request of the Commission.

D. The Commission shall initially mail copies of the type of form to be used for this report to all utilities regulated hereunder.

PSC 285 Inspection. The utility shall permit authorized Public Service Commission staff to inspect, during regular business hours, all of the utility's operations and records relating to customer service.

PSC 286-294 Reserved for future use.

SERVICE EXTENSION, DISCONNECTION AND RESTORATION**PSC 295 Definitions.**

A. "Disconnection of service" means an involuntary cessation of utility service to a customer.

B. "Temporary Disconnection" means a voluntary cessation of utility service and applies specifically to PSC 298 C. This is not a permanent termination of service.

C. "Customer" means any person, firm, association or corporation, or any agency of the Federal, State or local government, being supplied with service by a utility, subject to the jurisdiction of this Commission.

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PSC 296 Extension of service.

A. Each utility shall file a plan in its tariff application for the installation of extensions to main and service lines where such facilities are in excess of those included in the regular rates for service and for which the customer shall be required to pay all or part of the costs.

B. No electric utility shall extend service beyond its service area to customers who require a connected load less than two thousand (2,000) kilowatts. Extension of service outside of a utility's service area shall in all cases be governed by Laws of 1974, ch. 479, §§ 39-44.

C. Extension of any electric service outside of a utility's service area but which does not extend into another utility's service area, shall be as directed by the Commission.

PSC 297 Temporary service.

A. When a utility renders a temporary service to a customer, it may require that the customer bear the cost of installing and removing the service in excess of any salvage realized.

B. A customer taking temporary service shall pay the regular rates applicable to the class of service rendered. The rates charged shall provide a reasonable rate of return for the utility.

C. The utility may require the customer to make an advance payment sufficient to cover the estimated cost of service as is used in A. above.

PSC 298 Disconnection of service.

A. Disconnection of service with notice-permissible reasons. With notice a utility may disconnect service to any customer for any reason stated below. Notice must comply with the requirements of PSC 300:

1. For failure of the customer to pay a bill for utility service, but only when the amount of the customer's outstanding bill equals or exceeds the amount of the customer's deposit,

2. For failure of the customer to meet the utility's deposit and credit requirements,

3. For failure of the customer to make proper application for service,

4. For customer's violation of any of the utility's rules on file with the Commission,

5. For failure of the customer to provide the utility reasonable access to its equipment and property,

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6. For customer's breach of the contract for service between the utility and the customer,

7. For failure of the customer to furnish such service, equipment and/or rights of way necessary to serve the customer as shall have been specified by the utility as a condition of obtaining service,

8. When determined by the Commission as prescribed by relevant state or other applicable standards or after individual hearing upon application of any person that customer is willfully wasting service through improper equipment,

9. When necessary for the utility to comply with any order or request of any governmental authority having jurisdiction.

B. Disconnection of service without notice-permissible reasons. Without notice a utility may disconnect service to any customer for any reason stated below:

1. In the event of an unauthorized use of or tampering with the utility's equipment,

2. In the event of a condition determined to be hazardous to the customer, to other customers of the utility, to the utility's equipment, or to the public.

C. Temporary disconnection of service. A utility may temporarily disconnect service to a customer otherwise entitled to disconnect service, upon written request by said customer. Temporary disconnection of service for this reason does not require refund of deposit nor interruption of interest.

D. Non-permissible reasons to disconnect service. A utility may not disconnect service to any customer for any reason stated below:

1. Delinquency in payment for services rendered to a previous customer who occupied the premises unless the customer continues to occupy the premises,

2. Failure to pay for merchandise, appliances or services not approved by the Commission as an integral part of the utility service,

3. Failure to pay for a different class of service,

4. Failure to pay for a bill based on concurrent charges from another meter,

5. Failure to pay for a bill to correct a previous underbilling due to an inaccurate meter or billing error if the customer agrees to payment over a reasonable period of time.

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E. Landlord-tenant rule. In situations where the service is rendered at an address different from the mailing address of the bill, or where the utility has reason to know that a landlord-tenant relationship exists and that the landlord is the customer of the utility; and where the landlord as customer would otherwise be subject to disconnection of service; the utility may not disconnect service until the following actions have been taken:

1. Where it is feasible to so provide service the utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for service in her or his own name. If the occupant then declines to so subscribe, the utility may disconnect service pursuant to the rules.

2. A utility shall not attempt to recover from a tenant, or condition service to a tenant with the payment of any outstanding bills or other charges due upon the outstanding account of the landlord.

4 MCAR § 3.0299 Disconnection of service during periods of cold weather.

A. Purpose and authority. This rule is prescribed by the commission pursuant to Minn. Stat. ch. 216B, in its entirety and in particular §§ 216B.01, 216B.08, 216B.09 and 216B.23, and the Public Utilities Regulatory Policies Act of 1978, 15 U.S.C. §§ 3201 *et seq.* and 16 U.S.C. §§ 2601 *et seq.* to prohibit disconnection of a residential utility customer who is unable to pay for utility service during cold weather months.

B. Definitions. For the purposes of this rule, the following definitions shall apply:

1. "Cold weather months" means the period beginning October 15 and continuing through April 15 of the following year.

2. "Residential unit" means a primary dwelling which receives gas and/or electric service and is occupied by its owner or tenant, whether or not the occupant is the residential customer of the utility, during cold weather months.

3. "Third party notice" means a commission approved notice containing, at a minimum, the following information:

- a. A statement that the notice is not a disconnect notice (stated in block letters at the top of the first page);

- b. A statement that the utility will send a copy of any future Notice of Proposed Disconnection of utility service to a third party designated by the residential customer;

- c. Instructions on how to request this service;

d. A statement that the residential customer should contact the person he or she intends to designate as the third party contact before providing the utility with the party's name and

e. A list of public agencies and community organizations which may be able to provide the residential customer with financial assistance.

4. "Notice of residential customer rights and possible assistance" means a commission approved easy-to-understand explanation of the residential customer's rights and responsibilities under this rule. It shall also include a list of organizations (with addresses and phone numbers) which may provide financial aid to the residential customer. At a minimum this list shall include the local welfare agency, and the local community action program which disperses emergency fuel assistance.

5. "Payment schedule" means any mutually acceptable agreement between the residential customer and utility that provides for the payment of the balance of any outstanding bills and future bills for estimated usage during the period covered by the payment schedule. The following guidelines shall apply to payment schedules:

a. The payment schedule may extend from the date of the schedule to the following October 15, or any other period agreed upon by the residential customer and utility;

b. The residential customer may make payments to the utility in installments which need not be equal but may be based on factors such as lump sum payments or additional income reasonably expected to be received by the residential customer during the payment period;

c. At the termination of the payment schedule, there shall be a true-up to reconcile actual and estimated usage during the schedule period.

6. "Working days" means Mondays through Fridays excluding legal holidays. The day of receipt of any notice shall not be counted in calculating a period of time under this rule.

C. Early notification of rights and third party notice option. All utilities shall include a "third party notice" and a commission approved easy-to-understand general statement of the protections of this rule annually in the monthly billing mailed to residential customers immediately prior to the commencement of the billing cycle which includes October 15. These notices shall also be provided to all new residential customers when they are first provided service by the utility.

D. Disconnection restriction for occupied residential units. No utility shall disconnect the service of any residential unit during "cold weather months," notwithstanding any other customer service rule, except 4 MCAR § 3.0208 B., if the disconnection would affect in any way the primary heat source of the residential unit and:

1. The residential customer, or any designated third party, has declared his or her inability to pay, as provided in 4 MCAR § 3.0299 E.; or, if appealed, the commission has determined the residential customer is unable to pay. To declare his or her inability, the residential customer must meet the following requirements:

a. The residential customer expresses willingness to enter into a mutually acceptable payment schedule for the current cold weather months, pursuant to 4 MCAR § 3.0299 G. 2.; and

b. The residential customer was fully paid up or was reasonably on time with his or her payments under a payment schedule as of the billing cycle immediately preceding the start of the current cold weather months. (This provision becomes effective as of October 15, 1980.)

2. Where the residential customer has not declared his or her inability to pay or where the commission has determined that the residential customer is able to pay and, in either case, the residential customer has entered into a payment schedule and is reasonably on time with his or her payments under the schedule.

E. Declaration of inability to pay.

1. Prior to disconnecting the service affecting the primary heat source of any residential unit for failure to make payment for such service, the utility shall serve, personally or by first class mail, the following upon the residential customer and any designated third party:

a. A commission approved Notice of Proposed Disconnection;

b. A Notice of Residential Customer Rights and Possible Assistance;
and

c. A commission approved, addressed, postage prepaid form on which a residential customer, or any designated third party, may declare his or her inability to pay.

2. The utility shall not disconnect the service for seven working days after the residential customer's receipt of personally served notice, or for ten working days after the utility has deposited first class mail notice in the United States mail. If the utility has not received a response from the residential customer or any designated third party within the appropriate period, the service may be disconnected, pursuant to section 4 MCAR §§ 3.0298, 3.0299 H., 3.0300 and 3.0301.

3. The utility may accept the residential customer's declaration of inability to pay or appeal the residential customer's declaration of inability to pay to the commission in writing, on forms prescribed by the commission, within seven working days after receipt. The utility shall not prevent any residential customer or designated third party from making a declaration.

4. If it appeals, a copy of the appeal, and a commission approved letter explaining that the residential customer may have his service terminated, shall be mailed by the utility to the local welfare agency and any local community organization responsible for dispersing fuel emergency assistance on the same day as the utility files its appeal.

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~~E. Commission determination of inability to pay.~~

~~1. All appeals of declarations of inability to pay shall be determined on an informal basis by the commission within thirty days after receipt of the utility's written appeal.~~

~~2. The commission shall determine the residential customer's inability to pay based upon the following:~~

~~a. A finding that the residential customer is in compliance with 4 MCAR § 3.0299 D. 1., and~~

~~b. A finding of "lower budget", as defined in the Bureau of Labor Statistics Guidelines, which are those applicable on the effective date of this rule.~~

~~3. In making its determination, the commission shall consider one or more of the following:~~

~~a. The most recent income tax return(s) filed by members of the residential customer's household; or~~

~~b. For each employed member of the residential customer's household, either paycheck stubs for the last two months or a written statement from the employer of wages earned during the preceding two months; or~~

~~c. A medicaid card or food stamps eligibility document; or~~

~~d. Documentation that the residential customer is on a pension from the Department of Public Welfare, the Social Security Administration, the Veterans Administration or other pension providers; or~~

~~e. A letter showing the residential customer's dismissal from a job or other documentation of unemployment; or~~

~~f. Other documentation which supports the residential customer's declaration of inability to pay.~~

4. The utility shall not disconnect the service until expiration of the 30 day appeal period. If the commission determines that the residential customer is able to pay, the utility may disconnect the service, pursuant to 4 MCAR §§ 3.0298, 3.0299 G., 3.0300 and 3.0301.

G. Payment schedule.

1. Every residential customer, without regard to his or her ability to pay who receives a notice of proposed disconnection during cold weather months, shall have the right to a payment schedule. A designated third party may request and negotiate a payment schedule on behalf of a residential customer.

2. It shall not be necessary to establish a payment schedule until the utility has accepted the residential customer's declaration of inability to pay, or the residential customer has refused to sign the declaration of inability to pay, or the commission has determined an appeal of a residential customer declaration of inability to pay.

3. The utility and residential customer or any designated third party shall attempt in good faith to arrange a payment schedule, which shall take into consideration the residential customer's economic situation and any extenuating circumstances.

4. The residential customer or third party should notify the utility immediately of any circumstances making it impossible for the residential customer to comply with the payment schedule and should propose specific modifications to the payment schedule. Upon receipt of a request for modification of a payment schedule, the utility shall consider changes in the residential customer's consumption pattern, utility rate increases effective since the date of the original schedule and changes in the residential customer's financial circumstances.

5. No residential customer who has declared his or her inability to pay, or if appealed, has been determined to be unable to pay, shall be disconnected during cold weather months for failure to make payments under a payment schedule which applies to that period of time.

6. The utility shall provide the residential customer and any designated third party with a commission approved written notice of the right to appeal to the commission when the utility and residential customer are unable to agree on the establishment, reasonableness or modification of a payment schedule, or on the reasonable timeliness of the payments under a payment schedule. Any appeal must be made within seven working days after the residential customer's receipt of personally served notice, or for ten working days after the utility has deposited first class mail notice in the United States Mail.

7. In determining an appeal, the procedures set forth in 4 MCAR § 3.0299 F. shall apply. The determination shall be based upon the criteria set forth in the Bureau of Labor Statistics Guidelines.

8. The utility shall not disconnect service while a payment schedule is pending appeal, or until any appeal involving payment schedules has been determined by the commission. If no appeal is made by the residential customer or designated third party and the residential customer has been determined to have the ability to pay his or her utility bill pursuant to 4 MCAR § 3.0299 F., the utility may disconnect service pursuant to the procedures and requirements of 4 MCAR §§ 3.0298, 3.0300, and 3.0301.

H. Disconnection of potentially unoccupied units.

1. Prior to disconnecting any service affecting the primary heat source of any residential unit, when the utility has received no response to the Notice of Proposed Disconnection within ten working days after the utility has deposited first class mail notice in the United States mail, the utility shall investigate whether the unit is occupied or unoccupied, which at a minimum shall include:

a. One visit by the utility to the unit during normal working hours;

b. If personal contact is not made, and there is reason to believe that the unit is occupied, the utility shall make another on-site visit during non-business hours.

2. If contact is made with the residential customer, the utility shall provide the residential customer with the Notice of Residential Customer Rights and Possible Assistance and an Addressed, postage prepaid form with which the residential customer may make a statement of inability to pay for the service, in which case sections 4 MCAR § 3.0299 E. and F. shall apply. At least seven working days before disconnecting the residential customer, the utility shall notify by telephone and a commission approved letter the local welfare office and any local community organization responsible for dispersing fuel emergency assistance of the proposed disconnection.

3. If the utility is unable to contact the residential customer, and it reasonably appears from the on-site inspections that the unit is unoccupied, the utility shall provide notice by first class mail to the recorded billing address of the residential customer. Such notice shall include an easy-to-understand explanation of the protections of this rule, Notice of Residential Customer Rights and Possible Assistance, and an addressed, postage prepaid form with which the residential customer may make a declaration of inability to pay. If no response has been received by the utility after ten working days after the utility has deposited first class mail notice in the United States mail, the service may be disconnected, pursuant to 4 MCAR §§ 3.0298, 3.0300 and 3.0301.

4. If, following disconnection, the residential unit is found to be occupied, the utility must reconnect service if the residential customer or designated third party:

- a. Agrees to pay the outstanding balance owed the utility, or
- b. Agrees to enter a payment schedule with the utility, or
- c. Asserts his or her rights under 4 MCAR §§ 3.0299 E. and 3.0299

F.

I. *Reconnection at beginning of cold weather months.* The utility shall reinstate service which in any way affects the primary heat source of a residential unit if such service remains disconnected as of October 15 if the residential customer makes application for reinstatement and is reasonably on time with his or her payments under a payment schedule. Any residential customer disconnected as of October 15 shall have the same rights as provided in 4 MCAR § 3.0299 G.

PSC 300 Notice: other time requirements.

A. Where required by these rules, notice of impending action by the utility shall be by first class mail. Notice shall be sent to the address where service is rendered and to the address where the bill is sent if different from the address where service is rendered. A representative of the utility must make an affidavit under oath that he deposited in the mail the notice properly addressed to the customer.

B. All notice required by these rules must precede the action to be taken by at least five (5) days excluding Sundays and legal Holidays. No notice may be given until the condition of which it informs, presently exists.

C. In lieu of mailing, notices may be delivered by a representative of the utility. Such notices must be in writing and receipt of them must be signed by the customer, if present, or some other member of the customer's family of a responsible age or the utility representative must make an affidavit under oath that he delivered the notice to the customer or his residence.

D. A record of all notices and all affidavits required by these rules must be kept on file by the utility and must be made available to the Commission.

E. Disconnection notices shall contain the date on or after which disconnection will occur, reason for disconnection, and methods of avoiding disconnection in normal easy to understand language.

PSC 301 Manner of disconnection.

A. Service may be disconnected only in conjunction with a personal visit by a representative of the utility to the address where the service is rendered and an attempt to make personal contact with the customer at the address. If the address is a building containing two or more dwelling units, the representative shall make a personal visit to the door of the customer's dwelling unit within the building. If security provisions in the building preclude free access on the part of the representative, the representative shall attempt to gain access to the building from the caretaker, for the purpose of attempting to make personal contact with the customer. The representative of the utility shall at all times be capable of receiving payment, if nonpayment is the cause of the disconnection of service, or the representative shall be able to certify that the cause of disconnection has been remedied by the customer.

PSC 302 Reconnection of service.

A. In the event service has been disconnected for valid cause by the utility, the utility may charge a reconnect fee based on the cost of reconnection as stated in the utility's tariff on file with the Commission.

B. Notwithstanding the above provision, the utility shall not charge a reconnect fee for disconnection of service pursuant to PSC 298 B. 2.

PSC 303 Disputes. Whenever the customer advises the utility's designated representative prior to the disconnection of service that any part of the billing as rendered or any part of the service is in dispute, the utility shall:

A. Investigate the dispute promptly.

B. Advise customer of investigation and its result.

C. Attempt to resolve dispute.

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D. Withhold disconnection of service until the investigation is completed and the customer is informed of the findings in writing.

E. Upon the findings of the utility, the customer must submit payment in full of any bill which is due.

F. If the dispute is not resolved to the satisfaction of the customer, he or she must submit the entire payment and may designate the disputed portion to be placed in escrow to the utility. Such payment shall be called an "escrow payment."

G. Escrow payments.

1. To submit a payment in escrow, the customer must make payment of the amount due as shown on the bill through an "escrow payment form," clearly marked and provided by the utility.

2. The "escrow payment form" must provide space for the customer to explain why the utility's resolution of the dispute is unsatisfactory to the customer. The form must be in three (3) copies, one of which will be retained by the customer.

3. A copy of the "escrow payment form" must be forwarded by the customer to the Public Service Commission.

4. Any escrow payment to the utility may be applied by the utility as any normal payment received by the utility.

5. After escrow payment has been made, the customer and the utility may still resolve the dispute to their mutual satisfaction.

6. By submitting the "escrow payment form" to the Commission, the customer shall be deemed to have filed an informal complaint against the utility, pursuant to the Commission's Rules of Practice (PSC 500-521).

7. Upon settlement of the dispute, any sum found to be entitled to be refunded to the customer shall be supplemented by a eight (8%) per cent per annum interest charge from the date of payment to the date of return by the utility.

H. The customer may apply to the utility to waive its right to disconnect. If the utility refuses to waive its right to disconnect, the customer may apply to the Commission for emergency status. If the Commission determines the customer has a probable claim in the dispute and that hardship may result in the event of disconnection of service, it may declare an emergency status to exist and order the utility to continue service for a period not to exceed thirty (30) days.

I. Notwithstanding anything herein to the contrary, the utility shall not be obligated to suspend discontinuance of service upon the filing for review

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with the Commission, unless the customer shall pay, when due, all current bills rendered during the pendency. If, following the first filing for review with the Commission, the same customer or any other person, files for any subsequent review by the Commission pertaining to the same account, such subsequent filings shall not relieve the customer from the obligations to pay for service rendered after the first filing. If subsequent requests for review are filed during the pendency of the first review, all designated disputed payment or portions thereof made after the first filing shall be considered to be made into escrow.

4 MCAR § 3.0304 Uniform access.

A. A utility shall not enter a customer's premises if:

1. The customer has not consented; or
2. The utility has not obtained a court order authorizing entry; or
3. An emergency situation involving imminent danger to life or property does not reasonably appear to exist.

B. A customer shall be deemed to have consented to entry if:

1. The customer has agreed orally or in writing in advance of entry that the utility may enter the customer's premises on a particular occasion; or
2. The customer has agreed in writing that the utility may enter the customer's premises to read its' meter or service utility equipment at reasonable times and occasions if the premises are unlocked, or if the customer has supplied a key. The form of agreement shall state in large easy-to-read print "YOU DO NOT NEED TO SIGN THIS AGREEMENT IN ORDER TO OBTAIN SERVICE. IF YOU DO SIGN THIS AGREEMENT, YOU MAY REVOKE IT AT ANY TIME BY WRITTEN NOTICE TO THE COMPANY." When consent has been given in accordance with this subdivision, the utility shall notify the customer, on an annual basis by first class mail, that the consent previously given will continue in force for an additional year, unless the customer revokes the consent by written notice to the utility; or

3. The customer is on a non-residential rate and the portion of that premises entered is open to the general public.

C. For the purpose of this rule "premises" means buildings and structures and land surrounding the buildings which is not accessible except through a locked gate.

D. A utility shall notify the jurisdictional law enforcement agency before entering the customer's premises without the customer's consent unless it would be unreasonable under the facts and circumstances to do so.

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SERVICE BILLING

PSC 310 Billing basis.

A. Bills for service will be based on meter readings or estimated usage and computed in accordance with applicable rate schedules on file with the Commission.

B. Where a customer is eligible to take service under more than one rate, the utility shall advise the customer in the selection of rate or rates which in its judgment result in the lowest cost of projected consumption, based on twelve (12) months' service and on the information at hand.

C. Each utility shall, at the time of any change in the applicable rate schedule, deliver to each customer the schedule of rates applicable to his or her type of service.

PSC 311 Meter reading and billing periods.

A. Readings of all meters used for determining charges to customers shall be made each month unless otherwise authorized by the Commission upon petition by the utility. The term "month" for meter reading and billing purposes is the period between successive meter reading dates which shall be as nearly as practicable to thirty (30) day intervals. When a utility is unable to gain access to a meter, it shall leave a meter reading form for the customer.

B. A utility may permit the customer to supply meter readings on a form supplied by the utility, providing a utility representative reads the meter at least once every twelve (12) months or at an interval determined upon petition to the Commission and when there is a change in customers and when requested by the customer. This form should advise the customer of the utility's responsibilities to read the meter.

C. If the billing period is longer or shorter than the normal billing period by more than five (5) days, the bill shall be prorated on a daily basis.

PSC 312 Estimated billing.

A. When access to a meter cannot be gained and the customer fails to supply a meter-reading form in time for the billing operation, an estimated bill may be rendered. In cases of emergency, the utility may render estimated bills without reading meters or supplying meter-reading forms to customers. When a customer fails to return a meter-reading form under the customer meter-reading plan, an estimated bill may be rendered. Estimated bills shall be based on the customer's normal consumption for a corresponding period during the preceding months or any other method specifically authorized by the Commission.

B. Only in unusual cases or when approval is obtained from the customer, shall more than two (2) consecutive estimated bills be rendered, unless the customer fails to supply meter readings as provided in PSC 311 B. above.

C. If an estimated bill appears to be abnormal when a subsequent reading is obtained, the bill for the entire period shall be computed at a rate which contemplates the use of service during the entire period and the estimated bill shall be deducted. If there is reasonable evidence that the use occurred during only one billing period, the bill shall be so computed.

PSC 313 Billing content.

A. Bills rendered periodically to customers for electric and gas service shall include, but are not limited to, the following information:

1. The present and last preceding meter readings;
2. The date of the present reading;
3. Identification of the applicable rate schedule;
4. The number and kinds of units metered;
5. A complete itemization of all charges incurred at each level of customer usage;
6. The amount of the bill;
7. The date on which the bill will become delinquent;
8. Any late fee, if applicable;
9. If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill;
10. The amount of state and local taxes separately itemized;
11. Fuel or power adjustment clause separately itemized, if applicable;

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12. The information required by PSC 281 C.

B. If a utility is unable to comply with any provisions of PSC 313 A. within twelve (12) months of the effective date of the rule, the utility shall petition the Commission for either a temporary exception or a permanent exemption. The petition shall include the justification for non-compliance, the duration of the desired exception, and the plan for compliance.

PSC 314 Adjustment of bills, electric.

A. Inaccurate meters.

1. Whenever any meter is found upon test to have an average error of more than two (2%) per cent fast, the utility shall refund to the customer the overcharge. Whenever any meter is found upon test to have an average error of more than two (2%) per cent slow, the utility may charge for electricity consumed, but not included in the bills previously rendered. The refund or charge for both fast and slow meters shall be based on corrected meter readings for a period equal to one-half the time elapsed since the last previous test but not to exceed six months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the refund or charge shall be computed to that date, but in no event for a period longer than one (1) year.

2. When the average error cannot be determined by test because the meter is not found to register or is found to register intermittently, the utility may charge for an estimated amount of electricity used, which shall be calculated by averaging the amounts registered over corresponding periods in previous years or in the absence of such information, over similar periods of known accurate measurement preceding or subsequent thereto, but in no event shall such charge be for a period longer than one (1) year.

3. If the recalculated bills indicate that more than one (\$1) dollar is due an existing customer or two (\$2) dollars is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or as credit on a bill. Credits shall be shown separately and identified. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility, upon demand made within three (3) months thereafter shall refund the amount due.

4. If the recalculated bills indicate that the amount due the utility exceeds ten (\$10) dollars, the utility may bill the customer for the amount due. The first billing rendered shall be separated from the regular bill and the charges explained in detail.

5. If a customer has called to the utility's attention his doubts as to the meter's accuracy and the utility has failed within a reasonable time to check

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it, there shall be no back billing for the period between the date of the customer's notification and the date the meter was checked.

B. Billing errors.

1. When a customer has been overcharged or undercharged as a result of incorrect reading of the meter, incorrect application of rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reasons, the amount of the overcharge shall be refunded to the customer or the amount of the undercharge may be billed to the customer. The refund or charge, in no event, shall exceed one year, unless the date the error occurred can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date, but in no event for a period longer than one (1) year.

2. If the recalculated bills indicate that more than one (\$1) dollar is due an existing customer or two (\$2) dollars is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or credit on a bill. Credits shall be shown separately and identified. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility, upon demand made within three (3) months thereafter shall refund the amount due.

3. If the recalculated bills indicate that the amount due the utility exceeds ten (\$10) dollars, the utility may bill the customer for the amount due. The first billing rendered shall be separated from the regular bill and the charges explained in detail.

PSC 315 Adjustments of bills, gas.

A. Inaccurate meters.

1. Whenever any meter is found upon test to have an average error of more than two (2%) per cent fast, the utility shall refund to the customer the overcharge. Whenever any meter is found upon test to have an average error of more than two (2%) per cent slow, the utility may charge for the gas consumed but not included in bills previously rendered. The refund or charge for both the fast and slow meter shall be based on the corrected meter reading for a period equal to one-half the time elapsed since the last previous test, but not to exceed six months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date, but in no event, for a period longer than one (1) year. The average error for a meter tested shall be defined as one-half the algebraic sum of the error at full-rated flow plus the error at check flow.

2. When the average error cannot be determined by test because the meter is not found to register or is found to register intermittently, the utility

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may charge for an estimated amount of gas used, which shall be calculated by averaging the amounts registered over corresponding periods in previous years or in the absence of such information, over similar periods of known accurate measurement preceding or subsequent thereto, but in no event shall such charge be for a period longer than one (1) year.

3. If the recalculated bills indicate that more than one (\$1) dollar is due an existing customer or two (\$2) dollars is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or as credit on a bill. Credits shall be shown separately and identified. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility, upon demand made within three (3) months thereafter shall refund the amount due.

4. If the recalculated bills indicate that the amount due the utility exceeds ten (\$10) dollars, the utility may bill the customer for the amount due. The first billing rendered shall be separated from the regular bill and the charges explained in detail.

5. If a customer has called to the utility's attention his doubts as to the meter's accuracy and the utility has failed within a reasonable time to check it, there shall be no back billing for the period between the date of the customer's notification and the date the meter was checked.

B. Billing errors.

1. When a customer has been overcharged or undercharged as a result of incorrect reading of the meter, incorrect application of rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reasons, the amount of the overcharge shall be refunded to the customer or the amount of the undercharge may be billed to the customer. The refund or charge, in no event, shall exceed one year, unless the date the error occurred can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date, but in no event for a period longer than one (1) year.

2. If the recalculated bills indicate that more than one (\$1) dollar is due an existing customer or two (\$2) dollars is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or as credit on a bill. Credits shall be shown separately and identified. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility, upon demand made within three (3) months thereafter shall refund the amount due.

3. If the recalculated bills indicate that the amount due the utility exceeds ten (\$10) dollars, the utility may bill the customer for the amount due.

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The first billing rendered shall be separated from the regular bill and the charges explained in detail.

PSC 316 Technical terms. For the purposes of these rules the following terms will be those as defined in the Technical Standards, Public Service Commission:

- A. Average Error
- B. Creeps and/or creeping
- C. Improper Voltage
- D. 100% Accuracy
- E. Test
- F. Working Test Standard

PSC 317-324 Reserved for future use.

DEPOSIT AND GUARANTEE REQUIREMENTS

PSC 325 Guarantee of payment. The utility shall not require deposit or guarantee of any customer or applicant for service who has established good credit. Deposit or guarantee of payment requirements as prescribed by the utility must be based upon standards which bear a reasonable relationship to the assurance of payment.

A. "New service" means service extended to or requested by any customer who has not received service as a customer for the preceding six (6) months. A utility shall not require a cash deposit or other guarantee of payment as a condition of obtaining new service unless a customer has an unsatisfactory credit or service standing with the utility due to any of the following:

1. The customer or applicant has outstanding a prior utility service account with the utility which at the time of request for service remains unpaid and not in dispute.
2. The service of a customer or applicant has previously been disconnected for any permissible reason which is not in dispute.
3. The credit history as provided in these rules demonstrates that payment cannot be assured. The determination of an adequate credit history must be determined by objective criteria which shall be filed with the Commission in the utility's tariff. Such criteria must bear a reasonable relationship to the assurance of payment.

B. "Existing service" means service presently being extended to a customer or which has been extended to a customer within the past six (6)

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months. A utility shall not require a cash deposit or other guarantee of payment as condition of continuing existing service unless a customer has an unsatisfactory credit or service standing with the utility due to either of the following:

1. The service of the customer has been disconnected or has been liable for disconnect for nonpayment of a bill which is not in dispute.

2. The service of a customer has been disconnected or has been liable for disconnect for any permissible reason which is not in dispute.

PSC 326 Permissible means of guaranteeing payment.

A. Deposit. When required, a customer may assure payment by submitting a deposit.

1. A deposit shall not exceed an estimated two-months gross bill or existing two-months' bill where applicable.

2. All deposits shall be in addition to payment of an outstanding bill or a part of such bill as has been resolved to the satisfaction of the utility except where such bill has been discharged in bankruptcy.

3. Interest shall be paid on deposits in excess of \$20.00 at the rate of six per cent per year compounded annually. Interest on deposits shall be payable from the date of deposit to the date of refund or disconnection. The utility may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills.

4. The deposit shall be refunded to the customer after twelve (12) consecutive months of prompt payment of all utility bills. The utility may, at its option, refund the deposit by direct payment or as a credit on the bill.

5. With notice any deposit of a customer may be applied by the utility to a bill when the bill has been determined by the utility to be delinquent.

6. Upon termination of service, the deposit with accrued interest shall be credited to the final bill and the balance shall be returned within forty-five (45) days to the customer.

7. A utility shall not require a deposit of any customer without explaining in writing why that deposit or guarantee is being required and under what conditions, if any, the deposit will be diminished upon return. Each utility shall issue a receipt of deposit to each customer from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is unavailable.

B. Guarantee of payment.

1. The utility may accept, in lieu of a deposit, a contract signed by a

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guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the deposit requirement is guaranteed. The term of such contract shall be for no longer than twelve (12) months, but shall automatically terminate after the customer has closed and paid his or her account with the utility, or at the guarantor's request upon sixty (60) days' written notice to the utility.

2. Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon notice as prescribed in PSC 300.

3. The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he or she has guaranteed unless the guarantor waives such notice in writing.

PSC 327 Good credit and impermissible reasons for requiring a guarantee of payment.

A. Good credit. The utility may determine whether a customer has established good credit with the utility, except as herein restricted: A customer, who within the last twelve (12) months has not had his service disconnected for nonpayment of a bill and has not been liable for disconnect for nonpayment of a bill which is not in dispute, shall be deemed to have established good credit.

B. Impermissible reasons for requiring a deposit or a guarantee of payment.

1. A utility shall not require a deposit or a guarantee of payment based upon income, home ownership, residential location, employment tenure, nature of occupation, race, color, creed, sex, marital status, age, national origin, or any other criteria which does not bear a reasonable relationship to the assurance of payment of which is not authorized by these rules.

2. No utility shall use any credit reports other than those reflecting the purchase of utility services to determine the adequacy of a customer's credit history without the permission in writing of a customer. Any credit history so used shall be mailed to the customer in order to provide the customer an opportunity to review the data. Refusal of a customer to permit use of a credit rating or credit service other than that of a utility shall not affect the determination of the utility as to that customer's credit history.

PSC 328-334 Reserved for future use.

PUBLIC RECORD ACCESS

PSC 335 Information available to customers and the public.

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A. The utility shall retain customer billing, complaint, payment and deposit records for the length of time necessary to permit the utility to comply with the Commission's regulations; provided the utility shall retain these records for not less than three (3) years. A customer's own billing, complaint, payment and deposit records shall be available to that customer.

B. Each utility shall have available for existing customers and applicants for service such information as is needed to obtain and maintain adequate, timely, and efficient service.

C. Each utility shall furnish additional information as the customer may reasonably request.

PSC 336 Emergency information. Each utility, for every municipality in which it serves, shall provide in the respective telephone directories a telephone listing by which the utility can be notified during a 24-hour day of any utility service deficiency or emergency which may exist.

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GAS AND ELECTRIC UTILITIES REGULATORY REQUIREMENTS

CHAPTER ELEVEN: PSC 350-499

UNIFORM SYSTEM OF ACCOUNTS

PSC 350 Definitions applicable to the Minnesota Uniform System of Accounts. For the purpose of rules 350-352, the following definitions shall apply:

A. "Appropriate" refers to those accounts which apply to a gas utility if the utility is a gas utility; or to those accounts which apply to an electric utility if the utility is an electric utility.

B. "FPC Uniform System of Accounts" means the Federal Power Commission Uniform System of Accounts for both gas and electric utilities and all Federal Power Commission orders, pronouncements, rules and regulations changing or amending the FPC Uniform System of Accounts.

C. "REA" means the Rural Electrification Administration of the United States Department of Agriculture.

D. "Public utility" is defined in Section 2, Subd. 4 of the Minnesota Public Utilities Act and shall also include municipally-owned utilities.

PSC 351 Procedure applicable to the Minnesota Uniform System of Accounts. The following criteria shall apply to the Minnesota Uniform System of Accounts:

A. All public utilities shall conform to the appropriate FPC Uniform System of Accounts with the following clarifications:

1. When appearing in the original FPC text the following terms shall be interpreted as stated below for the purpose of regulation under the Minnesota Public Utilities Act:

a. Commission or Federal Power Commission shall be interpreted as the Minnesota Public Service Commission.

b. Utility shall be interpreted as a Minnesota public utility.

2. Minnesota cooperative electric associations shall conform to the FPC Uniform System of Accounts as modified by REA Bulletin 181-1.

3. A Minnesota public utility, for reporting purposes, shall be classified as an A, B, C or D utility based upon gross revenues of Minnesota utility operations.

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4. All FPC orders, pronouncements or changes affecting the FPC Uniform System of Accounts and all REA orders, pronouncements or changes affecting the REA modifications to the FPC Uniform System of Accounts after January 1, 1975 shall be effective for accounting and reporting purposes on the effective date of the orders, pronouncements or changes. However, the commission reserves the right to suspend such orders, pronouncements or changes for Minnesota reporting purposes.

B. Public utilities with annual gross operating revenues of less than twenty-five thousand (\$25,000) dollars, not required to conform to the FPC Uniform System of Accounts as modified by REA Bulletin 181-1, shall follow the appropriate FPC System of Accounts for Class C and D utilities.

C. A public utility may petition the commission for approval of an exception to a provision of the system of accounts. Such exception shall be granted to the public utility for good cause shown.

D. Public utilities with utility operations not located in Minnesota shall maintain accounting records in such a manner that the accounting information for Minnesota utility operations can be separated from the accounting information of utility operations not located in Minnesota. Methods used in such separations of accounting information are subject to approval of the commission. The method of separation shall be submitted by petition to the commission for review and approval six (6) months after the effective date of this rule or in the first related proceeding of the public utility, whichever comes first. A utility or the department staff may petition for a change in an approved separation procedure for good cause shown.

E. Public utilities engaged directly or indirectly in any other business than that of the production, transmission or furnishing of natural gas or electric service shall maintain separate records in accordance with the appropriate FPC System of Accounts or REA modifications to that system for such operations.

PSC 352 Implementation of the Minnesota Uniform System of Accounts. The following criteria apply to the implementation of the Minnesota Uniform System of Accounts:

A. Each public utility, not currently in compliance with the appropriate FPC Uniform System of Accounts shall implement the appropriate FPC Uniform System of Accounts by January 1, 1977. If a municipal utility is unable to comply by January 1, 1977 with any of the provisions of PSC 352, the municipal utility shall petition the commission within three (3) months of the effective date of PSC 352 for an exception. The petition shall include the justification for non-compliance, the length of the desired extension of time, the plan for compliance and any actions taken to date to implement the appropriate FPC Uniform System of Accounts.

B. Public utilities using account numbers which differ from the FPC ac-

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count numbers shall submit to the Department of Public Service by November 1, 1976:

1. Three (3) copies of such account numbers with the descriptive titles cross-referenced to the appropriate FPC account numbers.

2. Such copies shall be accompanied by a statement from a responsible utility officer verifying that such accounts can be translated into the appropriate FPC accounts for reporting and auditing purposes.

3. Subsequent changes to account numbers shall be submitted as they occur.

PSC 353-359 Reserved for future use.

DEPRECIATION CERTIFICATION

PSC 360 Definitions: depreciation certification.

A. "Accumulated provision for depreciation" or "depreciation reserve" means the summation of charges for retirements, net salvage, and the annual provision for depreciation accrual(s) recorded by the utility under an approved method of depreciation accounting.

B. "Annual provision for depreciation accrual" means the annual amount of depreciation charged to expenses and/or clearing accounts.

C. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the probable service life of an asset or liability to which it applies, or over a period during which it is anticipated the benefit will be realized.

D. "Cost of removal" means the cost of demolishing, dismantling, removing, tearing down or abandoning of physical assets, including the cost of transportation and handling incidental thereto.

E. "Depletion" means the reduction in available capacity incurred in connection with the exhaustion of natural resources in the course of their conversion into units of service.

F. "Depreciation," as applied to depreciable utility plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of utility plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities, and, in the case of natural gas companies, the exhaustion of natural resources. (For purposes of these rules, references to depreciation will include amortization and depletion, unless otherwise stated.)

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G. "Depreciation accounting" means a system of accounting which aims to distribute cost or other basic value of tangible capital assets, less salvage (if any), over the estimated useful life of the unit (which may be a group of assets) in a systematic and rational manner. It is a process of allocation, not of valuation.

H. "Net salvage" means salvage of property retired less the cost of removal.

I. "Original cost" means the cost of property to the person first devoting it to public service.

J. "Probable service life" of a unit means that period of time extending from the date of its installation to the forecasted date when it will probably be retired from service.

K. "Public utility" means any electric or gas utility as defined in the Minnesota Public Utilities Act, Section 2, Subd. 4, and also any municipally-owned utility operating within the State of Minnesota and under the jurisdiction of the commission.

L. "Salvage" means the amount received for assets retired, less any expenses incurred in connection with the sale or in preparing the assets for sale; or if retained, the amount at which the materials recoverable is chargeable to materials and supplies, or other appropriate accounts.

M. "Straight-line method" means the plan under which the original cost of an asset adjusted for net salvage is charged to operating expenses and/or to clearing accounts and credited to the accumulated provision for depreciation through equal annual charges over its probable service life.

N. "Service value" means the difference between original cost and net salvage value of utility plant.

PSC 361 General provisions: depreciation certification.

A. All electric and gas utilities shall maintain, and have available for inspection by the commission upon request, adequate accounts and records related to depreciation practices as defined herein.

B. Each utility has the prime responsibility for proposing the depreciation rates and methods that will be used. The commission shall certify by order to the utility the depreciation rates and methods which it considers reasonable and proper.

C. Any allocation or adjustment of the depreciation reserve will require specific justification and certification by the commission.

D. Class A and B utilities (as defined by the system of accounts) shall:

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1. Maintain continuing property records.
2. Record depreciation accruals and reserves by functional group of plant accounts (e.g., distribution plant) or on an optional basis, by primary plant account (e.g., meters) for corporate ledger and balance sheet supporting schedule purposes.
3. Retain data in sufficient detail to conduct depreciation certification studies for the purpose of determining depreciation accruals and reserves by primary plant account.
4. Review their depreciation rates annually to determine if they are still generally appropriate. Depreciation certification studies shall be made so that all primary accounts shall have been analyzed at least every five (5) years.

E. Class C and D utilities shall:

1. Record a composite depreciation accrual and a composite reserve for the utility plant for corporate ledger and balance sheet purposes.
2. Retain data in sufficient detail to conduct depreciation certification studies for the purpose of determining depreciation accruals and reserves by functional group of plant accounts.
3. Review their depreciation rates annually to determine if they are still generally appropriate. Depreciation certification studies shall be made so that all functional groups of plant accounts have been analyzed at least every five (5) years.

F. Any utility may at its option follow the depreciation rules prescribed herein for a larger class of utilities.

G. Either the utility may submit or the commission may request a petition for depreciation certification because of unusual circumstances or unique situations.

PSC 362 Filing requirements: depreciation certification studies.

A. Initially upon commission notification, and at least every five (5) years thereafter, each public utility shall file a petition for depreciation certification and the following depreciation schedules (for each year since the last certification) in the form prescribed by the commission.

1. Plant in service (by primary account for Classes A, B, C, and D):
 - a. Beginning and ending plant balances.
 - b. Additions and retirements.
 - c. Adjustments and transfers.

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2. Analysis of depreciation reserve (based on depreciation studies by primary account for Class A and B; by functional group for Class C and D):

- a. Beginning and ending reserve balances.
- b. Depreciation accruals and plant retirements.
- c. Cost of removal and gross salvage value.
- d. Transfers, adjustments and other debits (credits).

3. Summary of annual depreciation accruals (based on depreciation studies by primary account for Class A and B; by functional group for Classes C and D):

- a. Plant balance.
- b. Estimated net salvage.
- c. Depreciation reserve.
- d. Probable service life.
- e. Depreciation accrual and rate.

B. In addition, all utilities shall provide with the petition for depreciation certification:

1. A list of accounts upon which the utility has made studies of the estimates of service life and salvage, the dollar effects and the results of these studies, and the utility-recommended depreciation rates for the accounts.

2. A list of any major future additions or retirements to the plant accounts that the utility believes may have a material effect on the current certification results.

C. All utilities shall furnish any additional documentation necessary to support findings of the study.

PSC 363 Prescribed methods: depreciation certification studies.

A. The commission prescribes the straight-line method for calculating depreciation (excluding depletion) accruals.

B. Depletion costs should be allocated on the basis of the unit-of-production method.

C. Any exceptions to these methods will require specific justification and certification by the commission.

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D. No specific methods are prescribed by the commission in estimating service lives and salvage values. The methods selected by each utility will be reviewed for appropriateness by the department staff as part of the utility's certification filing.

PSC 364 Petition for certification procedure.

A. Utilities shall petition the commission for certification of depreciation rates and methods as prescribed by the commission's rules of practice for petitions.

B. Prior to the initial certification of a utility's depreciation rates and methods, the depreciation rates and methods effective as of January 1, 1975 are to be used.

C. Depreciation rates and methods, once certified by order, are binding on all future rate proceedings and will remain in effect until the next certification or until the commission shall determine otherwise.

D. If a utility is unable to comply by January 1, 1977 with any of the provisions of PSC 360-364, the utility shall petition the commission within three (3) months of the effective date of these rules for a temporary exception. The petition shall include the justification for non-compliance, the duration of the desired exception, and the plan for compliance.

PSC 365-369 Reserved for future use.

CAPITAL STRUCTURE AND SECURITY ISSUANCE

PSC 370 Definitions for capital structure approval. For the purpose of rules 370-375, the following definitions shall apply:

A. "Capital structure" means the total capitalization of the public utility as defined in the Minnesota Public Utilities Act and including short-term securities.

B. "Long-term" security is any security not meeting the definition of short-term security.

C. "Public utility" is as defined in Section 2, Subd. 4, Minnesota Public Utilities Act but not including cooperative electric associations.

D. "Security" is as defined in Section 49 of the Minnesota Public Utilities Act.

E. "Short-term" security means any unsecured security with a date of maturity of no more than one year from the date of issuance; and containing no provisions for automatic renewal or "roll over" at the option of either the obligee or obligor.

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PSC 371 General procedure for capital structure approval. The following shall apply to all petitions for capital structure approval:

A. Prior to the issuance of any security or securities, a public utility shall petition for and receive from the commission approval of its capital structure. Such approval shall be by formal written order.

B. Commission orders approving capital structure shall be effective for at least one (1) year, unless otherwise stated; or until the petitioner requests modification or revision; or until the commission deems conditions affecting capital structure have changed sufficiently to warrant further review.

PSC 372 Capital structure approval required for issuance of long-term securities. The following procedure shall apply to the issuance of long-term securities:

A. A petition may include multiple issuance of securities, whereupon review, the commission may approve the change in capital structure caused by such issuance in part or in total.

B. Petitions for approval of capital structure shall contain the information described in PSC 374 and PSC 375.

PSC 373 Capital structure approval required for issuance of short-term securities. The following procedure shall apply to the issuance of short-term securities:

A. Public utilities which are required to obtain approval from the commission for changes in capital structure caused by such issuance shall petition no later than sixty (60) days prior to the proposed first issuance, unless good cause shown.

B. Such petitions shall contain the following information:

1. Items A through K of PSC 374.

2. A statement of cash flow, by month showing the most recent available twenty-one (21) months actual data and forecasted data to the end of the period encompassed by the petition. Such data shall be filed on forms prescribed by the commission.

3. A descriptive summary of the assumptions made in the development of such statement of cash flow.

C. Upon approval of capital structure, the petitioner may issue short-term securities at its discretion provided such petitioner remains within the limits and restrictions set forth in the commission's order.

PSC 374 Filing requirements for capital structure approval. Petitions for ap-

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proval of capital structure shall contain one (1) original and three (3) copies of the following data, either in the body of the petition or in exhibits attached thereto:

- A. A descriptive title.
- B. A table of contents.
- C. The exact name of the petitioner and address of its principal business office.
- D. Name, address and telephone number of the person authorized to receive notices and communications with respect to the petition.
- E. A verified statement by a responsible officer of the petitioner attesting to the accuracy and completeness of the enclosed information.
- F. The purpose for which the securities are to be issued.
- G. Copies of resolutions by the directors authorizing the petition for the issue or assumption of liability in respect to which the petition is made; and if approval of stockholders has been obtained, copies of the resolution of the stockholders shall be furnished.
- H. A statement as to whether, at the time of filing of the petition, the petitioner knows of any person who is an "affiliated interest" within the meaning of Section 48 of the Minnesota Public Utilities Act, who has received or is entitled to receive a fee for services in connection with the negotiations or consummation of the issuance of the securities, or for services in securing underwriters, sellers or purchasers of the securities.
- I. A signed copy of the opinion of counsel in respect to the legality of the issue or assumption of liability.
- J. A balance sheet dated no earlier than six (6) months prior to the date of the petition together with an income statement and statement of changes in financial position covering the twelve (12) months then ended. When the petitions include long-term securities, such statements shall show the effects of the issuance on such balance sheet and income statement.
- K. A description of the security or securities to be issued.
- L. An estimate of the interest or dividend cost per one hundred (\$100) dollars principal amount (except in the case of common stock), and a description of any anticipated terms or indenture provisions.
- M. If the petitioner is a corporation, a copy of its current articles of incorporation certified by the Secretary of State of incorporation. If the current articles have already been filed, the petitioner need only make specific reference to such filings.

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N. The following information shall be attached as exhibits to the petition:

1. The amount and kinds of stock authorized by articles of incorporation and amount outstanding.

2. The terms of preference of preferred stock, whether cumulative or participating, or on dividends or assets, or otherwise.

3. A brief description of each security agreement, mortgage and deed of trust upon petitioner's property, showing date of execution, debtor and secured party, mortgagor and mortgagee and trustor and beneficiary, amount of indebtedness authorized to be secured thereby, and amount of indebtedness actually secured, together with any sinking fund provision.

4. The amount of bonds authorized and issued that exceed one (1%) percent of total debt giving the name of the public utility which issued same, describing each class separately, and giving the date of issue, par value, rate of interest, date of maturity and how secured, together with the amount of interest paid thereon during the last fiscal year.

5. Each note outstanding with a maturity of more than one (1) year and which exceeds one (1%) percent of total debt, giving the date of issue, the amount, the date of maturity, the rate of interest, in whose favor, together with the amount of interest paid thereon during the last fiscal year.

6. Other indebtedness with a maturity of more than one (1) year, by class, together with the amount of interest paid thereon during the last fiscal year.

7. The rate and amount of dividends paid during the five (5) previous fiscal years.

O. A statement of the manner in which such securities will be issued; and if invitations for sealed written proposals (competitive bidding) are not anticipated, an explanation of the decision not to invite such proposals shall be submitted.

P. A copy of each plan, offer or agreement for the reorganization or readjustment of indebtedness or capitalization or for the retirement or exchange of securities.

Q. If any of the above filing requirements are provided in petitions or applications to other regulatory agencies, then such petitions or applications, properly cross referenced in item B, may be submitted in lieu of the specific filing requirements.

R. Such additional information that the staff or commission may require in a particular case.

S. If a filing requirement does not apply, it shall be so stated with an explanation why it does not apply.

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PSC 375 Additional information. Two copies of the following information shall be filed when or as available.

A. A copy of the final registration statement, if any, and financial exhibits made a part thereof, filed with The Securities and Exchange Commission in accordance with The Securities Act of 1933.

B. If an invitation for sealed written public proposals for the purchase or underwriting of such securities has been made, a summary of the terms of the proposals received, including the name of each bidder or representative of a bidding group, the interest or dividend rate specified (where applicable), the price to be paid the issuer per unit or one hundred (\$100) dollars principal amount, the cost of money to the issuer (except in the case of common stock), the name of the successful bidder, and the successful bidder's initial public offering price and the resulting yield to the public (except in the case of common stock).

PSC 376-379 Reserved for future use.

ACQUISITION OF PROPERTY

PSC 380 Definition for approval to acquire property. For the purpose of rules 380-382, the following definitions shall apply:

A. "Consolidation" means the combination of the assets and liabilities of a public utility with another public utility.

B. "Consideration" means anything of value given as an equivalent or a return for the property acquired.

C. "Merger" means the acquisition of the assets or the assets and liabilities or the equity securities of a public utility by a public utility.

D. "Party" means all persons, partnerships, corporations, or other business entities or their representatives whose approval is necessary to consummate the transaction.

E. "Public utility" is as defined in Section 2, Minnesota Public Utilities Act, but not including cooperative electric associations.

F. "Transfer of property" means the sale or acquisition of an operating unit or system for a consideration valued at greater than one hundred thousand (\$100,000) dollars; or if a rental or lease, for consideration greater than one hundred thousand (\$100,000) dollars over the life of the rental or lease.

G. "Transaction" means the consummation of a transfer of property, of a merger or of a consolidation.

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PSC 381 Procedure for approval to acquire property.

A. A public utility, prior to entering into a transaction, shall petition for and receive from the commission by formal written order approval for such transaction.

B. A petition for approval of capital structure (PSC 370-375) shall be filed concurrently with the petition for approval of transfer, merger or consolidation if consideration for such a transaction is a security or securities as defined in PSC 370.

C. The commission may require an independent valuation of the property involved in the transaction.

PSC 382 Filing requirements for petitions to acquire property. Petitions for approval to acquire property shall contain one (1) original and three (3) copies of the following information, either in the petition or as exhibits attached thereto:

A. Petitions for approval of a merger or of a consolidation shall be accompanied by the following:

1. The petition signed by all parties.
2. All information, for each public utility, as required in PSC 374 and 375.
3. The detailed reasons of the petition and each party for entering into the proposed transaction, and all facts warranting the same.
4. The full terms and conditions of the proposed merger or consolidation.

B. Petitions for approval of a transfer of property shall be accompanied by the following:

1. All information as required in PSC 374, items A through J.
2. The agreed upon purchase price and the terms for payment and other considerations.

C. A description of the property involved in the transaction including any franchises, permits or operative rights, and the original cost of such property, individually or by class, the depreciation and amortization reserves applicable to such property, individually or by class. If the original cost is unknown, an estimate shall be made of such cost. A detailed description of the method and all supporting documents used in such estimate shall be submitted.

D. Other pertinent facts or additional information that the commission may require.

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PSC 383-384 Reserved for future use.

AFFILIATED INTERESTS

PSC 385 Definitions for regulation of affiliated interests. For the purpose of Rules 385-388, the following definitions shall apply:

A. "Affiliated interest" is as defined in Section 48, Minnesota Public Utilities Act.

B. "Agreement" means a contract duly executed and legally binding on the public utility and the affiliated interest.

C. "Contract" or "arrangement" means a mutual obligation, written or unwritten, between a public utility and an affiliated interest.

D. "Consideration" means the value of the contract or agreement expressed in dollars.

E. "Person" means the beneficial owner of any voting securities or any person directly or indirectly in control of such voting securities. A person shall be considered to directly or indirectly in control of such voting securities including, but not limited to, voting securities owned or held by a relative or spouse or relative of the spouse residing in the home of such person; or voting securities owned or held by such person as a trustee, lessee, executor, or through any associate person controlling, controlled by or under common control with such person in which such person owns five (5) percent or more of the voting securities of a public utility.

F. "Public utility" is as defined in Section 2, Minnesota Public Utilities Act, but not including a cooperative electric association.

G. "Staff" means the staff of the Department of Public Service.

H. "Voting security" means any equity security or similar security with the power, presently exercisable, to vote for the election of directors; or any security presently convertible into such a security; or a warrant, option or right, presently exercisable, to obtain such a security.

PSC 386 Procedure for regulation of affiliated interest.

A. A corporation or person shall be deemed to be an affiliated interest:

1. If such corporation or person owns or controls or has the right to acquire through the exercise of presently exercisable options, warrants, or rights; or through the conversion of securities or otherwise, five (5) percent or more of the voting securities of the public utility; where;

2. The securities subject to such options, warrants, rights, or conversion privileges held by such corporation or person shall be deemed to be outstand-

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ing for the purpose of computing the percentage of outstanding voting securities owned or controlled by such corporation or person but shall not be deemed to be outstanding for the purpose of computing the percentage owned by any other corporation or person.

B. A public utility, prior to entering into a contract or agreement, or making any modifications or revisions to existing contracts or agreements with an affiliated interest, where the total consideration for such contract agreement is in excess of \$10,000 or five (5) percent of the capital equity of the utility, whichever is less, shall petition for and receive approval from the commission by formal written order.

C. Contracts or agreements requiring commission approval which are entered into after January 1, 1975, without commission approval shall be null and void. Upon determining a contract or agreement null and void, the commission may require any consideration received by the affiliated interest for such contract or agreement to be remitted to the public utility.

D. Information presented to the department shall be verified under oath by the president, a vice-president, or secretary of the reporting public utility, and is effective as of the date of verification.

PSC 387 Filing requirements for utilities with affiliated interests. Each public utility shall file with the commission:

A. By April 1 of each year:

1. A list of all corporations and persons which own or hold, directly or indirectly, 5% or more of the voting securities of the reporting public utility. Such list shall show the number of units of each class of voting securities held, the percent which the individual holding of each class is to the total outstanding of that class, and the state or incorporation of each corporation.

2. A list of all corporations and persons which own or hold, directly or indirectly, 5% or more of the voting securities of any corporation in a chain of successive ownership of 5% or more of the voting securities of the reporting public utility. Such list shall show the number of units of each class of securities held, the percent which the individual holding of each class is to the total outstanding of that class, and the state of incorporation of each corporation.

3. A list of all corporations 5% or more of whose voting securities are owned by any corporation or person owning 5% or more of the voting securities of the reporting public utility, or by any corporation or person in any chain of successive ownership, of each public utility, as defined in 2 above. Such list should indicate the name of the affiliated corporation or person which owns 5% or more of the voting securities of each corporation listed.

4. A list identifying:

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a. All corporations operating a public utility or servicing organization furnishing management, supervisory, construction, engineering, accounting, financial, legal and similar services to the reporting public utility, which have one or more officers or one or more directors in common with the reporting public utility; and,

b. Every other organization which has directors in common with the public utility where the number of common directors is more than one-third of the total number of directors of the reporting public utility.

The above list should show for each corporation listed the names of the officers and directors which serve in common with the reporting public utility.

B. Petitions for approval of affiliated interest contracts or agreements accompanied by the following:

1. A descriptive title of each contract or agreement;

2. A copy of the contract or agreement, or modifications or revisions of an existing contract or agreement;

3. A list and the past history of all contracts or agreements outstanding between the petitioner and affiliated interest, the consideration received by the affiliated interest for such contracts or agreements and a verified summary of the relevant cost records pertaining to the same;

4. A descriptive summary of the pertinent facts and reasons why such contract or agreement is in the public interest;

5. Competitive bidding:

a. If invitations for sealed written public proposals for the furnishing of the service sought under the contract or agreement have been made, a summary of the terms of the proposals received, including the name of each bidder or representative of a bidding group; and as an exhibit to the petition, a copy of each proposal received;

b. If invitations for sealed written proposals have not been made, an explanation of the decisions to that effect will be submitted.

C. Within thirty (30) days of the effective date of this rule, a list of all contracts and agreements between the reporting public utility and all affiliated interests which were in effect prior to January 1, 1975 and which have continued beyond that date. Such list shall contain:

1. A descriptive title of each contract or agreement;

2. A copy of the contract or agreement and all amendments thereto;

3. The date of the original contract, all amendments thereto, and the termination date;

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4. If the contract or agreement is unwritten, a descriptive summary providing the information in 2 and 3; and,

5. The original or verified summary of the cost records and the amount of consideration received by the affiliated interest.

PSC 388 Maintenance of records for the regulation of affiliated interests. Each public utility with contracts or agreements outstanding with affiliated interests, regardless of the amount of the consideration, shall maintain and provide the following records for inspection by the staff:

A. A copy of all contracts or agreements between the public utility and affiliated interests;

B. An accounting ledger and appropriate supporting documents for each contract or agreement showing by month.

1. The consideration received by the affiliated interest;

2. The relevant costs incurred by the affiliated interest in fulfilling the contract or agreement, and verified as to their accuracy and completeness by such affiliated interest;

3. And the estimated percent and the amount of the contract or of the agreement completed and the method of determining such estimate.

C. Such records shall be available to the staff during normal business hours at the principal office of the public utility in this state.

PSC 389 Reserved for future use.

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AUTOMATIC ADJUSTMENT OF CHARGES

PSC 390 Definitions. For the purpose of rules 390-395, the following definitions shall apply:

A. "Annual sales volume" is the sum of the Mcf or Ccf of gas delivered during the most recent 12 months of the 14 month period preceding a change in the city gas rate or end of the heating season for which actual data is available.

B. "Annual demand sales volume" is the annual sales volume adjusted by an average percentage change in sales computed over the preceding 3 year period, normalized for weather. Annual demand sales volume shall include interruptible sales to the extent that demand cost is incurred to service interruptible customers.

C. "Base cost" is the cost of fuel consumed in the manufacture of gas or generation of electricity and purchased gas or purchased power in the base period expressed as a cost per kilowatt hour sold or cost per Mcf or Ccf sold.

D. "Base period" is the 12 month period during which the automatic adjustment of charges is set at zero.

E. "City gate rate" is the demand or commodity rate charged a distribution gas utility by its supplier. It refers to the cost of gas at the point at which the distribution utility takes title to the gas.

F. "Cost of energy purchased" is the cost of purchased power and net interchange defined by the Minnesota Uniform System of Accounts—Class A and B electric utilities, Account 555 and purchased under federally regulated wholesale rates for energy delivered through interstate facilities. All electric public utilities shall use this definition regardless of class.

G. "Cost of fuel consumed in the generation of electricity" is the cost of fossil and nuclear fuel.

H. "Cost of fossil fuel" is the current period withdrawals from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B utilities. All electric public utilities shall use this definition regardless of class.

I. "Cost of nuclear fuel" is the current period charges and credits to Account 518, of the Minnesota Uniform System of Accounts—Class A and B electric utilities excluding any expenses for the cost of fossil fuel. All electric public utilities shall use this definition regardless of class.

J. "Cost of fuel consumed in the manufacture of gas" is the withdrawals, during the heating season, from Account 151 as defined by the Minnesota Uniform System of Accounts—Class A and B gas utilities. All gas public utilities shall use this definition regardless of class.

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K. "Cost of purchased gas" is the cost of gas as defined by the Minnesota Uniform System of Accounts—Class A and B gas utilities, Account 804, 808 and 809 and purchased under federally regulated wholesale rates for energy delivered through interstate facilities. All gas public utilities shall use this definition regardless of class.

L. "Current period" is the most recent two month moving average used in computing an automatic adjustment of charges. Upon approval of the commission, a self billing utility may use a longer period, not to exceed 12 months, provided that the provision contains a settlement procedure. All electric utilities shall use this definition.

M. "Heating season" is the period from October 1 to April 30.

N. "Kilowatt-hour sales" is the kilowatt-hour delivered during the current or base period less interchange sales. This is the divisor used to obtain current period cost and base period cost per Kwh in PSC 392 B.

O. "Prime interest rate" means the average of the daily prime lending rates offered to preferred customers at the largest bank in the Ninth Federal Reserve District during the period. The largest bank is that bank with the greatest total outstanding deposits as of the end of the calendar year preceding the notice of change in rates.

P. "Public utilities" is as defined by Section 2, Subdivision 4 of the Minnesota Public Utilities Act.

PSC 391 Applicability and types of automatic adjustment of charges.

A. The commission shall permit the filing of rate schedules containing provisions for the automatic adjustment of charges provided such provisions conform to PSC 392-395.

B. PSC 390-395 shall be applicable to all classes of public utilities.

C. Provisions for automatic adjustment of charges shall encompass:

1. Changes in cost resulting from changes in the federally regulated wholesale rate for energy purchased and changes in the cost of fuel consumed in the generation of electricity. This provision is entitled electric energy adjustment.

2. Changes in cost resulting from changes in the federally regulated wholesale rate for purchased gas and changes in the cost of fuel consumed in the manufacture of gas. This provision is entitled purchased gas adjustment.

PSC 392 Electric energy adjustment. The computations of the automatic adjustment to charges shall conform to the procedures set forth below:

A. The amount of the billing period adjustment to charges shall be deter-

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mined by extending Kwh of sales in the billing period by an adjustment per Kwh. The adjustment per Kwh or the amount of the adjustment shall be stated on the customer's bill to comply with PSC 313.

B. The adjustment per Kwh shall be the sum of the current period cost of energy purchased and cost of fuel consumed per Kwh less the base cost per Kwh.

C. The adjustment to charges shall be made in the next complete billing period succeeding the determination of the adjustment per Kwh provided the adjustment has been filed as defined by PSC 394 B. The adjustment factor shall be calculated monthly. Except, upon commission approval, a self billing utility may calculate the adjustment less frequently but at least annually and must provide for a settlement procedure. The adjustment must be applied each month. The adjustment amount shall be rounded such that the projected recovery is within 2% of the change in total cost.

PSC 393 Purchase gas adjustment provision. The computation of the automatic adjustment to charges shall conform to the procedures set forth below:

A. The amount of the billing period adjustment to charges shall be determined by extending Mcf or Ccf sales in the billing period by an adjustment per Mcf or Ccf. The adjustment per Mcf or Ccf or the amount of the adjustment shall be stated on the customer's bill to comply with PSC 313.

B. The adjustment per Mcf or Ccf is the sum of the commodity adjustment, demand adjustment and manufactured gas adjustment as computed below:

1. The commodity adjustment is the difference between the commodity cost which results from a change in the city gate rate and the commodity base cost. To properly reflect adjustment per Mcf or Ccf billed, the divisor for a particular class of customer must include total sales volume delivered to that class of customer. The adjustment shall be applied to billings after the effective date of the commodity rate change provided the adjustment has been filed as defined by PSC 394 B.

2. The demand adjustment is the difference between the annual demand cost which results from a change in the city gate rate and the demand base cost. In the event the demand city gate rate does not change the demand adjustment shall be recalculated for each 12 month period from the date of the last change. The adjustment shall be computed on the basis of annual demand sales volume and applied to billings after the effective date of the demand rate change provided the adjustment has been filed as defined by PSC 394 B.

3. The manufactured gas adjustment is the difference between the cost of propane and other fuel consumed in the manufacture of gas during the heating season and the manufactured gas base cost. The manufactured gas adjustment shall be computed annually for the heating season ending April 30

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of each year on the basis of firm annual sales volume adjusted to the extent manufactured gas is used to serve interruptible customers. The cost of manufactured gas shall be applied to interruptible customers. The adjustment shall be applied to billings during the next 12 months period commencing on June 1 of each year provided the adjustment has been filed as defined by PSC 394 B.

C. Refunds and interest thereon received from the suppliers of purchased gas which are attributable to the cost of gas previously sold shall be refunded by credits to bills or check within a period not to exceed 12 months. The utility shall add interest to the unrefunded balance at the prime interest rate.

PSC 394 Filing requirements and approvals electric energy and purchase gas adjustments.

A. All public utilities shall file annually on October 31 of each year, the procurement policies for selecting sources of fuel and energy purchased and dispatching policies, if applicable, and a summary of actions taken to minimize cost.

B. Whenever a public utility changes its automatic adjustment of charges, the utility shall prior to effective date, file the following:

1. A summary of the computation of the adjustment.
2. An explanation of significant changes between the base cost and current cost. Changes for electric utilities shall be quantified as to price, mix, thermal efficiency and distribution loss. Changes for gas utilities shall be quantified as to price and mix changes.
3. A computation of standard cost for the current reporting period, if available. The standard cost for this computation may be either the planned or budgeted cost of fuel or simulation of the cost of fuel under normal operating and purchasing limits for the adjustment period or current period.

C. Automatic adjustment of charges shall be provisionally approved and may be placed into effect without commission action, but subject to the conditions specified in PSC 394 D and E.

D. Errors made in adjustment must be refunded by check or credits to bills to the consumer in an amount not to exceed the amount of the error plus interest computed at the prime rate upon the order of the commission provided that:

1. Such order is served within 90 days after the receipt of the filing defined in rule PSC 394 B or at the end of the next major rate proceeding, which ever is later.
2. The amount of the error is greater than 5% of the corrected adjustment charge.

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E. The commission may upon complaint or upon its own motion, after appropriate investigation, notice and hearing, issue an order to fix at current levels, discontinue or modify an automatic adjustment provision for an individual utility.

PSC 395 Implementation.

A. Existing automatic adjustment provisions in effect on the effective date of these rules which will not result in adjustment amounts materially greater than those determined by PSC 390 to 395 shall continue in effect until the commission upon its own motion or upon complaint, after appropriate notice and hearing, shall order otherwise.

B. Adjustments made pursuant to automatic adjustment provisions in effect on the effective date of these rules which may result in adjustment amounts materially greater than those determined by PSC 390 to 395 shall be frozen by the utility at the level of charges in effect at the effective date of PSC 390 to 395. The existing level of any such automatic adjustments shall, on the effective date of PSC 390 to 395, be submitted to the Department of Public Service within 30 days.

C. When a utility proposes new or revised electric energy or purchased gas adjustment provisions, the proposal shall be deemed a change in rates and reviewed according to commission rules and practices relating to utility rate changes.

D. If existing automatic adjustments of charges are continued under the provision of PSC 395 A then the filing requirements of PSC 394 B shall apply.

PSC 396-399 Reserved for future use.

CHANGE IN RATES

PSC 400 Definitions for changes in rates. For the purposes of rules 400-403 and 405-406, the following definitions shall apply.

A. "Average" means a thirteen-month average or a simple average of beginning and end of year data when data is not available to calculate a thirteen-month average.

B. "Average prime interest rate" means the average of the daily prime lending rates offered to preferred customers at the largest bank in the Ninth Federal Reserve District during the period the utility's proposed rates are suspended. The largest bank is that bank with the greatest total outstanding deposits as of the end of the calendar year preceding the notice of change in rates.

C. "Capital structure" means the total capitalization of the public utility as defined in Section 49, Subdivision 2 of the Minnesota Public Utilities Act and including short-term securities.

D. "Embedded cost" of long-term debt or preferred stock means the average cost for all outstanding issues of debt or preferred stock at a given date.

E. "General rate change" means an overall change in rates for which the determination of the utility's gross revenue requirements is necessary in assessing the appropriateness of the change in rates.

F. "Gross revenue conversion factor" means the incremental amount of gross revenue required to generate an additional dollar of operating income.

G. "Jurisdictional" means the utility's total Minnesota operations.

H. "Miscellaneous rate change" means a change in any compensation, charge, fare, toll, tariff, rental or classification, demanded, observed, charged, or collected for any service and any rules, regulations, practices, or contracts affecting any such compensation, charge, fare, toll, rental, tariff, or classification for which a determination of the utility's gross revenue requirements is not necessary in determining the reasonableness of a proposed change in rates. Miscellaneous rate changes as used herein shall not include changes in amounts charged which the utility has effectuated pursuant to an existing automatic adjustment clause in accordance with the provisions of PSC 390-395.

I. "Most recent fiscal year" is the utility's prior fiscal year unless notice of a change in rates is filed with the commission within the last three months of the current fiscal year and at least nine months of historical data is available for presentation of current fiscal year financial information, in which case the most recent fiscal year is deemed to be the current fiscal year.

J. "Projected change" means the change from the normalized most recent

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fiscal year reflecting growth and known changed operating conditions from those existing in the most recent year.

K. "Projected fiscal year" is the fiscal year immediately following the most recent fiscal year.

L. "Proposed" means utility proposed.

M. "Rate" is as defined in Section 2, subd. 5, Minnesota Public Utilities Act.

N. "Rate base" for the most recent fiscal year and the projected fiscal year shall be an original cost rate base.

O. "Short-term debt" means short-term security as defined in PSC 370.

P. "Test year" is the twelve-month period selected by the utility for the purpose of expressing its need for a change in rates.

Q. "Total utility" when used to describe information requirements, means either:

1. The combined jurisdictional and, if any, non-jurisdictional gas or electric operations of a utility, and excluding non-utility property; or

2. The gas or electric operations of a utility's wholly-owned subsidiary operating within Minnesota and excluding non-utility operations.

R. "Utility" is defined as in Section 2, subd. 4, of the Minnesota Public Utilities Act and shall include the controlling corporation of any Minnesota public utility.

S. "Weighted cost of capital" is the total cost of capital determined by weighting the cost of each component of the capital structure by the ratio of the capital represented by that component to total capital.

PSC 401 Rate change procedures.

A. Notice of change in rates. A utility filing for a change in rates shall serve notice to the commission at least ninety (90) days prior to the proposed effective date of the modified rates. Such notice shall include the items prescribed below for:

1. General rate changes.

a. Proposal for change in rates as prescribed in PSC 402.

b. Modified rates as prescribed in PSC 403.

c. Expert opinions and supporting exhibits as prescribed in PSC

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d. Informational requirements as prescribed in PSC 405.

e. Statement indicating the method of insuring the payment of refunds as prescribed in PSC 401 B.

2. Miscellaneous rate changes.

a. Proposal for change in rates as prescribed by PSC 402.

b. Substantiating documents and exhibits supporting the change requested.

c. Modified rates as prescribed in PSC 403.

d. Statement indicating the method of insuring the payment of refunds as prescribed in PSC 401 B.

B. Methods and procedures for refunding.

1. In the event that a hearing is ordered by the commission as a result of a change in rates and proposed rates are suspended, the commission shall allow the utility to place suspended rates into effect as to services to be rendered on or subsequent to the effective date of the change in rates, subject to refund of the increase in rates or part thereof determined to be unreasonable by the commission provided that the payment of refunds is insured under either of the following methods:

a. File with the commission a bond, signed by an authorized official of the utility, in an amount and with sureties approved by the commission; or

b. File with the commission an unqualified agreement, signed by an authorized official of the utility, to refund any portion of the increase in rates determined to be unreasonable together with interest thereon.

2. Any increase in rates or part thereof determined by the commission to be unreasonable shall be refunded to customers or credited to customers' accounts within ninety (90) days from the effective date of the commission order and determined in a manner prescribed by the commission including interest at the average prime interest rate computed from the effective date of the proposed rates through the date of refund or credit.

C. Procedures subsequent to notice.

1. Any amended notice shall be served at least ninety (90) days prior to the proposed effective date of modified rates.

2. If a notice or an amended notice is complete in all material respects as prescribed by PSC 400-405, the commission shall follow the procedures outlined in the Rules of Practice, PSC 500-517.

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3. Upon acceptance of the notice and the determination that a hearing shall be conducted, but before the proposed effective date of the modified rate schedules, the commission may, by written directive, explaining the reasons therefor, signed by the authority of the commission, and served upon the utility, suspend the operation of the utility's modified rate schedules but not for a longer period than ninety (90) days beyond the time when the modified rates would otherwise go into effect unless the commission shall find that a longer time will be required, in which case the commission may further extend the period for not to exceed a total of nine (9) months.

4. Such directive shall include authority for the utility to place suspended rates into effect, subject to refund, provided that the bond and sureties or that the agreement to refund as specified in PSC 401 B. 1. is approved by the commission.

PSC 402 Proposal for change in rates. The utility's proposal for a change in rates shall summarize the notice of change in rates and shall include the following information.

A. Name, address, and telephone number of the utility without abbreviation and the name and address and telephone number of the attorney for the utility, if there be one.

B. Date of filing and date modified rates are effective.

C. Description and purpose of the change in rates requested.

D. Effect of the change in rates expressed in gross revenue dollars and as a percentage of test year gross revenue.

E. Signature and title of utility officer authorizing the proposal.

PSC 403 Modified rates.

A. All proposed changes in rates shall be shown by filing revised or new pages to the rate book previously filed with the commission and by identifying those pages which were not changed.

B. Each revised or new page of the rate book shall contain the information required for each page of the rate book and shall be in a format consistent with the currently filed rate book. In addition, each revised page shall contain the revision number and the page number of the revised page.

PSC 404 Expert opinions and supporting exhibits.

A. Expert opinions and supporting exhibits shall include written statements, in question and answer format, together with supporting exhibits of utility personnel and other expert witnesses as deemed appropriate by the utility in support of the proposal.

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B. At a minimum, expert opinions shall include a statement by the chief executive officer or other designated official in support of the proposal.

C. Supporting exhibits may be the same as those prescribed by PSC 405 or may make reference where appropriate to the information requirements prescribed by PSC 405.

PSC 405 Information requirements. The following information shall be supplied as a part of the utility's notice of a change in rates. Information requirements A., B. 1., C. 1., D. 1., E. 1. and E. 2. as defined herein shall be supplied by all gas and electric utilities and all other information requirements prescribed by PSC 405 shall be supplied where applicable to the utility. Illustrative forms for filing this information shall be available from the Minnesota Department of Public Service.

A. A jurisdictional financial summary schedule shall be filed showing:

1. The proposed rate base, operating income, overall rate of return, and the calculation of income requirements, income deficiency, and revenue requirements for the test year.

2. The actual unadjusted average rate base consisting of the same components as the proposed rate base, unadjusted operating income, overall rate of return, and the calculation of income requirements, income deficiency and revenue requirements for the most recent fiscal year.

3. The projected unadjusted average rate base consisting of the same components as the proposed rate base, unadjusted operating income under present rates, overall rate of return, and the calculation of income requirements, income deficiency, and revenue requirements for the projected fiscal year.

B. Rate base schedules.

1. A rate base summary schedule by major rate base component (e.g. plant in service, construction work in progress, and plant held for future use) showing the proposed rate base, the unadjusted average rate base for the most recent fiscal year and unadjusted average rate base for the projected fiscal year. The totals for this schedule shall agree with the rate base amounts included in the financial summary.

2. A comparison of total utility and Minnesota jurisdictional rate base amounts by detailed rate base component showing:

a. Total utility and the proposed jurisdictional rate base amounts for the test year including the adjustments, if any, used in determining the proposed rate base.

b. The unadjusted average total utility and jurisdictional rate base amounts for the most recent fiscal year and the projected fiscal year.

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3. Adjustment schedules, if any, showing the title, purpose and description and the summary calculations of each adjustment used in determining the proposed jurisdictional rate base.

4. A summary by rate base component of the assumptions made and the approaches used in determining average unadjusted rate base for the projected fiscal year. Such assumptions and approaches shall be identified and quantified into two categories: known changes from the most recent fiscal year and projected changes.

5. For multi-jurisdictional utilities only, a summary by rate base component of the jurisdictional allocation factors used in allocating the total utility rate base amounts to the Minnesota jurisdiction. This summary shall be supported by a schedule showing for each allocation factor the total utility and jurisdictional statistics used in determining the proposed rate base and the Minnesota jurisdictional rate base for the most recent fiscal year and the projected fiscal year.

C. Operating income schedules.

1. A summary schedule of jurisdictional operating income statements which reflect proposed test year operating income, and unadjusted jurisdictional operating income for the most recent fiscal year and the projected fiscal year calculated using present rates.

2. For multi-jurisdictional utilities only, a schedule showing the comparison of total utility and unadjusted jurisdictional operating income statement for the test year, for the most recent fiscal year and the projected fiscal year. In addition, the schedule shall provide the proposed adjustments, if any, to jurisdictional operating income for the test year together with the proposed operating income statement.

3. For investor-owned utilities only, a summary schedule showing the computation of total utility and allocated Minnesota jurisdictional federal and state income tax expense and deferred income taxes for the test year, the most recent fiscal year, and the projected fiscal year. This summary schedule shall be supported by a detailed schedule, showing the development of the combined federal and state income tax rates.

4. A summary schedule of adjustments, if any, to jurisdictional test year operating income and detailed schedules for each adjustment providing an adjustment title, purpose and description of the adjustment and summary calculations.

5. A schedule summarizing the assumptions made and the approaches used in projecting each major element of operating income. Such assumptions and approaches shall be identified and quantified into two categories: known changes from the most recent fiscal year and projected changes.

6. For multi-jurisdictional utilities only, a schedule providing, by oper-

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ating income element, the factor or factors used in allocating total utility operating income to Minnesota jurisdiction. This schedule shall be supported by a schedule which sets forth the statistics used in determining each jurisdictional allocation factor for the test year, the most recent fiscal year and the projected fiscal year.

D. Rate of return/cost of capital schedules.

1. A rate of return/cost of capital summary schedule showing the calculation of the weighted cost of capital using the proposed capital structure and the average capital structures for the most recent fiscal year and the projected fiscal year. This information shall be provided for the unconsolidated parent and subsidiary corporations, or for the consolidated parent corporation.

2. Supporting schedules showing the calculation of the embedded cost of long-term debt, if any, and the embedded cost of preferred stock, if any, at the end of the most recent fiscal year and the projected fiscal year.

3. Schedule showing average short-term securities for the proposed test year, most recent fiscal year and the projected fiscal year.

E. Rate structure and design information.

1. A summary comparison of test year operating revenue under present and proposed rates by customer class of service showing the difference in revenue and the percentage change.

2. A detailed comparison of test year operating revenue under present and proposed rates by type of charge including minimum, demand, energy by block, gross receipts, automatic adjustments and other charge categories within each rate schedule and within each customer class of service.

3. A cost of service study by customer class of service, by geographic area, or other categorization as deemed appropriate for the change in rates requested, showing revenues, costs and profitability for each class of service, geographic area, or other appropriate category, identifying the procedures and underlying rationale for cost and revenue allocations. Such study is appropriate whenever the utility proposes a change in rates which results in a material change in its rate structure.

F. Other supplemental information.

1. Annual report to stockholders or members including financial statements and statistical supplements for the most recent fiscal year. If a utility is not audited by an independent public accountant, unaudited financial statements will satisfy this filing requirement.

2. For investor-owned utilities only, a schedule showing the development of the gross revenue conversion factor.

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3. For cooperatives only, REA Form 7—Financial and Statistical Report for the last month of the most recent fiscal year.

4. For cooperatives only, REA Form 7A—Annual Supplement to Financial and Statistical Report.

5. For REA cooperatives only, REA Form 325—Financial Forecast.

PSC 406 Additional information requests. Upon review of a utility's notice of a change in rates or subsequent thereto, the commission may request a utility to provide additional information to supplement the information prescribed by PSC 405 within a reasonable time as determined by the commission.

PSC 407 Waiver. The commission may waive any requirement contained in these rules, upon written application, for good cause shown.

PSC 408-409 Reserved for future use.

FILING OF ANNUAL REPORTS

PSC 410 Definitions. For the purpose of PSC 410-418, the following definitions shall apply:

- A. "Commission" means the Minnesota Public Service Commission.
- B. "Federally regulated" means the utility, excluding a municipally-owned utility, which files an annual report, prescribed by the federal agency having rate making authority.
- C. "FPC" means the Federal Power Commission or its successor agency in the Federal Department of Energy.
- D. "Public utility" is defined in Minn. Stat. § 216B.02, subd. 4, as amended by Laws of 1978, ch. 795.
- E. "REA" means the Rural Electrification Administration of the United States Department of Agriculture.
- F. "Minnesota regulated electric cooperative" means a cooperative utility association which elects to have its rates and practices regulated by the commission, as provided in Laws of 1978, ch. 795.

PSC 411 General application.

- A. Any public utility regulated under Minn. Stat. ch. 216B and subject to the provision of PSC 350-352, Minnesota Uniform System of Accounts, is covered under the provisions of PSC 410-418.
- B. Each public utility shall file with the commission a completed annual report as hereinafter prescribed in these rules on or before May 1 of each year covering its operation for the preceding calendar year.
- C. In the event that a public utility has ceased operation through a merger or sale of any of its plant during the calendar year, each of the involved public utilities shall be responsible for filing an annual report with the commission which reflects the operations of the properties which were subject to such sale or merger.
- D. Notwithstanding these rules, the commission may require special report(s) concerning any matter under the jurisdiction of the commission.

PSC 412 Annual report: electric public utility, federally regulated.

- A. Each electric public utility subject to federal regulation shall file with the commission one copy of the prescribed federal agency or authority annual report form (FPC Annual Report Form No. 1 or 1F) certified by a company officer.

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B. Reports by an electric public utility which has multistate operations shall provide information concerning its Minnesota jurisdictional operations on the schedules listed below:

1. summary of utility plant in service and accumulated depreciation and amortization reserves by primary account;
2. summary of the depreciation accrual for the year;
3. materials and supplies;
4. accumulated deferred income taxes;
5. accumulated investment tax credit;
6. statement of income for the year;
7. operating revenues;
8. operating and maintenance expenses;
9. taxes accrued, prepaid and charged during year.

Statements shall be included setting forth the method or basis used in making allocations between jurisdictions.

PSC 413 Annual report: gas public utility, federally regulated.

A. Each gas public utility subject to federal regulation shall file with the commission one copy of the prescribed federal agency or authority annual report form (FPC Annual Report Form No. 2 or 2A) certified by a company officer.

B. Reports by a gas public utility which has multistate operations shall provide information concerning its Minnesota operations on the schedules listed below:

1. summary of utility plant in service and accumulated depreciation and amortization reserves by primary account;
2. summary of the depreciation accrual for the year;
3. materials and supplies;
4. accumulated deferred income taxes;
5. accumulated investment tax credit;
6. statement of income for the year;

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7. operating revenues;
8. operating and maintenance expenses;
9. taxes accrued, prepaid and charged during year.

Statements shall be included setting forth the method or basis used in making allocations between jurisdictions.

PSC 414 Annual report: Minnesota regulated electric cooperative, REA corporation or association.

A. Each Minnesota regulated electric cooperative subject to REA regulation shall file with the commission one copy of the prescribed REA annual report form (REA Form No. 7 and Form No. 7A) certified by a cooperative officer.

B. Reports by an electric cooperative which has multistate operations shall provide information concerning its Minnesota operations on the schedules listed below:

1. summary of utility plant in service and accumulated depreciation and amortization reserves by primary account;
2. summary of the depreciation accrual for the year;
3. materials and supplies;
4. accumulated investment tax credits;
5. statement of income for the year;
6. operating revenues;
7. operating and maintenance expenses;
8. taxes accrued, prepaid and charged during year.

Statements shall be included setting forth the method or basis used in making allocations between jurisdictions.

PSC 415 Annual report: Minnesota regulated electric cooperative, non-REA corporation or association.

A. Each Minnesota regulated electric cooperative not subject to REA regulation shall file with the commission one copy of the prescribed REA annual report form or the prescribed Minnesota Annual Report certified by a cooperative officer.

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B. Reports by an electric cooperative which has multistate operations shall provide information concerning its Minnesota operations on the schedules listed below:

1. summary of utility plant in service and accumulated depreciation and amortization reserves by primary account;
2. summary of the depreciation accrual for the year;
3. materials and supplies;
4. accumulated deferred income taxes;
5. accumulated investment tax credit;
6. statement of income for the year;
7. operating revenues;
8. operating and maintenance expenses;
9. taxes accrued, prepaid and charged during year.

Statements shall be included setting forth the method or basis used in making allocation between jurisdictions.

PSC 416 Annual report: electric and gas public utilities nonfederally regulated.

A. Each electric or gas public utility not subject to federal regulation shall file with the commission one copy of the prescribed federal agency or authority annual report or the prescribed Minnesota Annual Report certified by a company officer.

B. Reports by an electric or gas utility which has multistate operations shall provide information concerning its Minnesota operations on the schedules listed below:

1. summary of utility plant in service and accumulated depreciation and amortization reserves by primary account;
2. summary of the depreciation accrual for the year;
3. materials and supplies;
4. accumulated deferred income taxes;
5. accumulated investment tax credit;
6. statement of income for the year;

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7. operating revenues;
8. operating and maintenance expenses;
9. taxes accrued, prepaid and charged during year;
10. operating revenues, firm and interruptible gas sales.

Statements shall be included setting forth the method or basis used in making allocations between jurisdictions.

PSC 417 Reserved for future use.

PSC 418 Additional reports. In addition to the above mentioned reports, each public utility shall also include with its annual report filing, a copy of any financial, statistical or operational reviews or reports which public utility would prepare for distribution to stockholders, bondholders, patrons, or the appropriate governing authority.

PSC 419 Reserved for future use.

LOBBYING EXPENDITURES

PSC 420 Definitions applicable to lobbying expenditures. For the purpose of PSC 420-422, the following definitions shall apply:

A. "Commission" means the Public Service Commission.

B. "Lobbying expenditure" means a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing legislation or administrative action or supporting the election of any candidate to office. Lobbying expenditures also include the pro rata portion of salaries of lobbyists which represents the portion of their duties related to lobbying. Lobbying expenditures do not include any expense properly allowable under FPC Account 928, Regulatory commission expenses.

C. "Lobbyist" means any individual or association engaged for pay or other consideration or authorized by a public utility to spend money who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. Lobbyist does not include any person engaged in formal rate cases before a regulatory body.

D. "Public utility" is defined in Minn. Stat. § 216B.02, subd. 4 and shall also include municipally-owned utilities.

E. "Utility nonoperating expense" means expenditures associated with activities other than those resulting from the regular activity of supplying energy and service to the consumer.

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F. "Utility operating expense" means expenditures associated with the direct or regular activity of supplying energy and service to the consumer.

PSC 421 General application.

A. PSC 420-422 apply to each public utility regulated under Minn. Stat. ch. 216 B including each municipally-owned utility.

B. Each public utility shall maintain accounts and records relating to lobbying expenditures and make them available for inspection by the commission upon request.

PSC 422 Accounting treatment—lobbying expenditures.

A. Each public utility shall cause sub-accounts to be established for the sole purpose of recording lobbying expenditures.

1. Lobbying expenditures for utility operating expense shall be charged to a sub-account of Miscellaneous General Expenses.

2. Lobbying expenditures for utility non-operating expense shall be charged to a sub-account of Other Income Deductions.

B. The above accounts shall be effective the first day of January of the year following the year in which this regulation becomes effective for any expenditures subsequent to that date.

PSC 423-499 Reserved for future use.

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MINNESOTA RULES AND REGULATIONS RELATING TO THE PUBLIC SERVICE COMMISSION

CHAPTER FIFTEEN: PSC 500-521

RULES OF PRACTICE

PSC 500 Definitions. As used in the Public Service Commission's Rules of Practice:

(a) "Petitioner" means any person who requests commission permission, authorization or approval; or any person who notifies the commission of a proposed change in gas or electric rates.

(b) "Commission" means the Minnesota Public Service Commission.

(c) "Complainant" means any person who complains formally or informally of any commission regulation or general order, or of any action or failure to act (past, present or, in the opinion of the commission, reasonably certain to occur) in violation, or claimed violation, of any law governing the activities of the commission or under which the commission has jurisdiction, or of any commission rule, regulation or order.

(d) "Department" means the Minnesota Department of Public Service which includes the Minnesota Public Service Commission as its quasi-legislative branch.

(e) "Intervenor" means any person permitted to intervene as a party in any proceeding pursuant to these rules.

(f) "Party" means a person by or against whom a proceeding before the commission is commenced; a person permitted to intervene in a proceeding pursuant to these rules; or, a person admitted pursuant to these rules as a protestant in a motor carrier proceeding. Parties to proceedings shall be styled, "petitioners," "complainants," "intervenor," "respondents" or "protestants" according to the nature of the proceeding and the relationship of the parties thereto. Parties to a proceeding may present evidence, cross-examine witnesses, file briefs, shall receive notification of all scheduling actions relating to the proceeding, and shall receive copies of all pleadings and other documents relating to the proceedings.

(g) "Person" means a natural person, corporation, municipal corporation, public corporation, body politic, government agency, association, partnership, receiver, joint venture, trustee at common law or statutory trust guardian or executor.

(h) "Presiding Officer(s)" means the commissioner(s), and/or, where appropriate, the hearing examiner(s) or staff member(s) presiding at a hearing.

(i) "Proceeding" means any undertaking of the commission, on its own motion or otherwise, formal or informal, whereby it seeks to resolve any questions or issue presented to it in a complaint, petition or notice of proposed changes in gas or electric rates.

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(j) "Proof of Service" means a certificate of service stating the facts of service, including the time and manner of service and the parties served.

(k) "Protestant" means a party objecting in a motor carrier proceeding.

(l) "Respondent" means one against whom a complaint is filed or against whom an investigation, order to show cause or other proceeding on commission motion is addressed.

(m) "Participant" means a person appearing at a proceeding pursuant to PSC 503(b) to present its views without becoming a party.

(n) "Utility" means any gas, electric or telephone company subject to the jurisdiction of the commission.

(o) "Motor Carrier" means a person engaged in the business of for-hire transportation as defined in Minnesota Statutes, Chapter 221 and includes local cartage carriers.

PSC 501 Applicability and Construction of Rules

(a) These rules govern practice and procedure in all matters before the commission.

(b) These rules shall be liberally construed to secure just, economical and expeditious determination of the issues presented.

(c) These rules shall be construed by the commission in light of its statutory responsibilities and its obligation to act in the public interest.

(d) Except as otherwise indicated, these rules shall apply to all businesses subject to the regulatory jurisdiction of the commission.

(e) Any conflict between these rules and statutory provisions must be resolved in accordance with the appropriate statute.

PSC 502 Commencement of Proceeding; Title; Joinder

(a) **Complaint; Petition.** A "proceeding," as the term is used in these rules, may be initiated by any of the following: (1) a complaint, which may be formal or informal, alleging a violation of any provision of law or any regulation or requirement made pursuant to a power granted by law; (2) a petition for: (a) the granting of any license, permit, certificate or privilege, authority to grant or withhold which is specifically vested in the commission; or (b) an order of the commission granting relief under or from any provision of law, regulation or requirement made pursuant to power vested by any law, or approving any submission required or permitted by law to be made by the commission, and (3) motion of the commission.

(b) **Title.** A person instituting a proceeding shall be styled the "complainant" if the proceeding is by complaint and "petitioner" in all other cases. A person against whom a complaint is brought shall be styled "respondent." In all other proceedings the matter shall be entitled "In the Matter of . . .," followed by a brief description of the subject matter to which the same relates. No proceeding shall be dismissed, impaired or prejudiced because incorrectly entitled, or the parties thereto incorrectly styled; but opportunity shall be given in such cases to correct the error by amendment, giving due consideration to any person who may have been misled by the error.

(c) **Joinder of Several Persons in One Pleading.** Two or more persons may

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join in one pleading when they desire to make substantially the same allegation, subject to the power of the commission to order separate hearings upon its own motion or on the motion of any party to the proceeding.

PSC 503 Parties; Petition to Intervene; Participation and Appearance.

(a) **Parties; Petition to Intervene.** Complainants, petitioners and respondents specifically named as such in any pleading are parties to the proceeding. No other person shall become a party to the proceeding except by leave of the presiding officer(s) upon petition to intervene under PSC 510, and a showing that he is specifically deemed by statute to be interested in the particular type of matter involved, or that he is specifically declared by statute to be an interested party to the particular type of proceeding involved, or that by the outcome of the proceeding he will be bound and affected either favorably or adversely with respect to an asserted interest peculiar to the person as distinguished from an interest common to the public or other taxpayers in general; such person shall be styled "intervenor." In addition any person admitted pursuant to these rules as a protestant in a motor carrier proceeding shall be considered a party to such proceeding and shall be styled "protestant."

(b) **Participants.** The presiding officer(s) may hear the views or evidence of any person or organization as to the subject matter, but no person shall become or shall be deemed to have become a party to the proceeding by reason of such participation in the hearing. Any person may enter an appearance in any proceeding, but no person shall become or shall be deemed to have become a party to the proceeding by reason of having entered an appearance therein.

PSC 504 Reserved for Future Use.

PSC 505 Protestants and Notices of Intent to Protest in Motor Carrier Proceedings.

(a) A motor carrier desiring to oppose a motor carrier petition shall file with the commission a written notice of intent to protest signed by the carrier and/or its attorney, if any. The notice of intent to protest shall be filed no later than ten (10) days prior to the scheduled hearing date as published in the department's notice of public hearings and decisions. The notice of intent to protest shall include proof of service thereof on the petitioner or its attorney. A motor carrier who files a timely notice of intent to protest shall be deemed a party to the proceeding without filing a petition to intervene pursuant to PSC 510.

A motor carrier desiring to participate in the proceeding who has not filed a timely notice of intent to protest as required by this rule shall not be admitted as a party to the proceeding, except for good cause shown.

(b) Any notice of intent to protest filed pursuant to this rule shall set forth specifically the grounds upon which the protest will be made and shall contain a concise statement of the interest of the protestant in the proceeding.

(c) If a timely notice of intent to protest is filed but protestant fails without good cause to appear at the hearing, the presiding officer(s) may disregard the notice of intent to protest.

(d) A non-motor carrier desiring to participate as a party in a motor carrier hearing shall file a formal petition for leave to intervene pursuant to

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PSC 510, including proof of service thereof on the petitioner or its attorney.

PSC 506 Types of Pleadings. The pleadings before the commission shall be Informal Complaint, Formal Complaint, Answer, Reply, Petition, Notice of Intent to Protest, Petition to Intervene, and Answer to Petition to Intervene, including amendments or supplements to any of the foregoing.

PSC 507 Informal Complaint

(a) **Form.** An informal complaint may be made by letter or other writing. In an emergency situation the department staff shall accept an informal complaint by telephone and shall prepare and file a memorandum concerning the call. No form of informal complaint is prescribed, but in substance the informal complaint must contain the name and address of the complainant, the name or names of the carrier, person or corporation against whom complaint is made, a statement that some certain statute of the State of Minnesota or rule or regulation of the commission has been violated by such carrier, person or corporation, indicating when, where and how, and a request for affirmative relief. Informal complaints should be accompanied by copies in sufficient number to enable the commission to transmit one to each carrier, person or corporation named. They may be accompanied by supporting affidavits and papers.

(b) **Response to Informal Complaint.** Responses to informal complaints may be submitted to the commission by respondents named therein without proof of service upon the complainant and without verifications unless such complaint is verified. The commission shall assure that the complainant is notified of the substance of the response.

(c) **Disposition; Filing.** Informal complaints will be assigned numbers on the informal docket in the order of their receipt. Copies of the informal complaint and all writings relating to it shall be filed under the name of the respondent. Matters thus presented, if their nature warrants it, will be taken up by correspondence with the persons affected in an endeavor to bring about resolution of the complaint without formal hearing.

PSC 508 Formal Complaints; Answer; Reply.

(a) **Formal Complaint.**

(1) **Form.** Formal complaints must state the names and addresses of all complainants and respondents without abbreviation and the name and address of the attorney for complainant, if there be one. Formal complaints will be filed as received and assigned numbers on the formal docket.

(2) **Allegations; Joinder of Causes.** Formal complaints should be drawn so as to advise fully and completely the respondents and the presiding officer(s) which provisions of the statutes of the State of Minnesota, or the rules and regulations of the commission, authorize the complaint and have been, or are, allegedly violated by a continuance of such acts or omissions, and should set forth briefly and in plain language the facts claimed to constitute such violation and the relief sought. Two or more grounds of complaint involving the same principle, subject, or state of facts may be included in one complaint, but should be separately stated and the paragraphs numbered. In case violation of two or more sections of the statutes are alleged, the facts claimed to constitute violation of one section should be stated separately from those in respect to any other section or sections wherever that can be done by reference, or otherwise, without undue repetition.

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(3) **Tariff Reference.** Complaints regarding rates, fares, charges, classifications, rules, regulations, or practices should be specific with reference to the tariff on file with the Minnesota Public Service Commission whenever practicable.

(4) **Preference or Prejudice to be Specified.** If some undue or reasonable preference or advantage, or undue or unreasonable prejudice, disadvantage or discrimination, in violation of the statutes of the State of Minnesota, is alleged, then the particular person, company, firm, corporation, locality or description of traffic affected thereby, and the particular preference, advantage, prejudice, disadvantage, or discrimination relied upon as constituting such violation should be clearly specified.

(5) **Subscription; Verification.** Every formal complaint should be personally subscribed by the complainant or by a person authorized to appear for complainant under PSC 515. In addition, the facts alleged must be verified under oath by a complainant or by a partner, officer, agent or attorney of complainant. However, if the verification be by an agent or attorney, the reason it is not made by a complainant, partner or officer must be stated.

(6) **Supplemental Complaint.** Supplemental complaints setting forth any causes of action alleged to have accrued in favor of the complainants and against the respondents since the filing of the original complaint may be served by the complainants on the respondents at any time prior to the date set for hearing of the original complaint, and upon leave granted, may be filed as provided for original complaints, and will be disposed of in the same proceeding, if practicable.

(b) Answer to Formal Complaint

(1) **Service.** Answers to a formal complaint must be filed with the commission, with proof of service upon complaint, within twenty (20) days after the day on which the complainant was served, exclusive of the day of service. Any respondent failing to serve and file an answer to a formal complaint within such period will be deemed by the presiding officer(s) to have denied the same, and issue as to such respondent will be thereby joined.

(2) **Form and Style.** Answers to a formal complaint should be drawn so as to fully and completely advise the parties and the presiding officer(s) of the nature of the defense, state that respondent has granted the relief demanded if such is the case, and should admit or deny specifically and in detail each material allegation of the pleading answered. Denial of an alleged discrimination or that an alleged preference or prejudice is undue or unreasonable should state fully the grounds relied upon in making such denial.

(3) **Subscription; Verification.** Such answers shall be subscribed by the respondent or his attorney and verified.

(c) **Reply.** If the answer to a complaint alleges the granting of the relief demanded, the complainant shall within twenty (20) days file with the commission, with proof of service upon respondent, a reply admitting or denying such allegation. If he fails to reply or admits the allegation, the proceeding shall be dismissed.

PSC 509 Petition

(a) **Form.** Except as otherwise prescribed by the commission or required
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by statute, a petition shall contain the name and address of petitioner without abbreviation and the name and address of the attorney for petitioner, if there be one.

(b) **Allegations.** A petition shall set forth a statement of facts and the grounds upon which relief or authority is sought, the statute or statutes under which the proceeding is brought or which are otherwise applicable, and the relief or authority sought by petitioner.

(c) **Subscription; Verification; Filing.** The petition must be subscribed in the same manner as a formal complaint; but unless prescribed by the commission or required by statute the petition need not be verified. Only the original need be filed with the commission; but additional copies shall be furnished to the commission upon its request.

PSC 510 Petition to Intervene; Answer; Scope of Intervenor's Participation.

(a) **Petition to Intervene**

(1) **When Made.** Any person desiring to be made a party to a pending proceeding may petition for leave to intervene therein. The petition with proof of service shall be filed with the commission at least ten (10) days prior to the date set for hearing, but not thereafter except for good cause shown.

(2) **Allegations; Subscriptions; Verification; Filing.** A petition to intervene shall allege the grounds for the proposed intervention and the specific interest of the petitioner in the proceeding which qualifies him as a party under PSC 503. The allegations shall be reasonably pertinent to the issues involved in the principal pleadings, and shall not unduly broaden the issues. The petition must be subscribed in the same manner as a formal complaint. It shall be served upon all parties to the proceeding, and the original and eight (8) additional copies filed with the commission secretary.

(b) **Answer to Petition to Intervene.** Parties to the proceeding may file answers to petitions to intervene with the commission with proof of service upon petitioner in intervention prior to the hearing, or parties may answer on the record at the opening of the hearing if less than ten (10) days have expired from the date of service upon them of the petition to intervene. Thereafter, the presiding officer(s) shall grant or deny the petition to intervene stating his (their) reasons therefor. If permission is granted, the petitioner thereby becomes an intervenor and a party to the proceedings. Answers to petitions to intervene should admit or deny the interest of the petitioner in intervention, and if the intervention is objected to by a party to the proceeding, the grounds for the objection should be stated in the answer. The answers need not be verified unless the petition to intervene has been verified. Failure to file an answer to a petition to intervene or to make oral objection to the petition shall be deemed to be consent to such intervention, but the presiding officer(s) may, on consideration of all the files and records of the proceeding, grant or deny the petition to intervene whether or not answers thereto have been filed or oral objections made.

(c) **Scope of Intervenor's Participation**

(1) The participation of a party granted leave to intervene will be limited to those matters raised in its petition to intervene unless for good cause shown on the record, the presiding officer(s) grant(s) an intervenor
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the right to participate more fully than set forth in its petition to intervene.

(2) Where there are two or more intervenors having substantially like interests and positions, the presiding officer(s) may, in order to expedite the hearing, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine and make and argue motions and objections on behalf of such intervenors.

PSC 511 Amendments

(a) **Amendments of Pleadings.** Formal complaints, answers (except answers to informal complaints) and replies may be amended at any time before the original time for answering or replying has expired, and thereafter only by order of the presiding officer(s) for good cause shown upon motion and upon notice to all parties to the proceeding. Amendments to petitions initiating any proceeding which do not enlarge in any respect the authority or relief sought or otherwise materially alter the petition, and amendments to notices of intent to protest and petitions to intervene, may be made without leave of the presiding officer(s) prior to the day of hearing. After the commencement of the hearing such petitions, notices of intent to protest, or petitions to intervene may be amended only by order of the presiding officer(s) for good cause shown upon motion.

(b) **Answer to Amended or Supplemental Complaint, or to Petition to Intervene.** Rules as to the form, content, subscription, verification, and time of filing of answers to formal complaints and petitions to intervene shall apply to answers to amended or supplemental complaints and answers to amended petitions to intervene.

PSC 512 Service. When filing a pleading or other document initiating or relating to a proceeding pending before the commission, the following rules of service shall be adhered to:

(a) Service of all documents shall be made upon other parties in proceedings before the commission by deposit in the first class mail or by delivery in person, unless otherwise ordered by the presiding officer(s) or unless otherwise specifically provided by law.

(b) When any party has appeared by attorney, service upon such attorney shall be deemed service upon the party.

(c) The date of service shall be the day when the document served is deposited in the mail or is delivered in person, as the case may be, unless otherwise provided by the presiding officer(s).

(d) When a document is served, the person serving the paper shall file with the commission proof of service, or acceptance of service by the person served or his attorney, annexed to the copies of documents served.

PSC 513 Continuances and Extension of Time. For good cause shown, continuances and extensions of time will be granted or denied by the presiding officer(s) in his (their) discretion.

PSC 514 Dockets; Trade Secret and Proprietary Information

(a) **Open to Public Inspection.** The commission will establish and maintain in the office of the secretary the necessary dockets which shall be open to public inspection; but any person desiring to inspect any record of the commission must first make application to the secretary of the commission.

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(b) **Filing of All Papers Required.** Unless otherwise specified in these rules, an original and eight (8) copies of all pleadings, briefs, written arguments, notices, written motions, and all papers in any manner relating to or affecting any power or jurisdiction of the commission or which are intended for the information of or action by the commission must be first filed in the office of the secretary thereof; and thereafter a copy shall be preserved therein as a public record.

(c) **Docket Number.** The secretary, upon the filing with the commission of any matter within the jurisdiction of the commission, will enter such matter on the docket and give it a consecutive number therein.

(d) **Trade Secret and Proprietary Information.** Nothing in these regulations shall require the revealing of proprietary information or trade secrets or processes in any document filed with the commission under this chapter. When a document is filed with proprietary information or trade secret portions omitted therefrom, the person filing such a document shall bring the deletions to the attention of the presiding officer(s). The presiding officer(s) may require any omitted information to be submitted.

PSC 515 Hearings

(a) **Appearances, Attorneys.** All parties, except individuals appearing on their own behalf, shall be represented by counsel. Participants, as defined in PSC 500(1), need not be represented by counsel. Persons holding specific authority to practice before the commission in their areas of expertise, may continue to do within the express limits of such authority.

(b) **Presiding Officer(s).** Each formal hearing before the Commission shall be presided over by one or more commissioners and/or, where appropriate, by one or more designated hearing examiners, or members of the staff, and the person or persons presiding shall be known as the presiding officer(s). The presiding officer(s) shall be in complete charge of the proceedings and shall rule on all matters of evidence, continuances, motions or other matters involving the case from the time the proceedings have been assigned to the presiding officer(s).

(c) **Discretionary Hearing on Informal Complaint and Other Matters; Notice.** Whenever it appears to the commission upon such investigation as it deems appropriate that a person filing an informal complaint is entitled to relief, it may order a hearing upon the informal complaint. It may at any time order a hearing on any matter on the informal docket or on any other matter where a hearing is discretionary with the commission.

(d) **Hearing on Formal Complaint and Other Required Hearings.** When issue has been joined upon formal complaint by service of answer or by failure of respondent to answer, and proof thereof has been filed, and in every other contested case, and in every case where a hearing is required by law, the commission shall assign a time and place of hearing pursuant to PSC 516.

(e) **Examination of Witnesses; Cross-examination; Rebuttal.** Witnesses may be examined orally before the presiding officer(s), or, where deemed appropriate, direct evidence may be taken by written statement prepared in advance of the hearing. In such cases the author of the written statement will be made available for cross-examination. Every party to a contested case shall have rights to cross-examine witnesses and to submit rebuttal evidence.

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(f) **Exhibits.** Unless the presiding officer(s) shall otherwise direct, exhibits offered to the commission at any hearing or conference in a contested case shall be eight (8) in number with additional copies furnished to parties of record.

(g) **Order of procedure; Party Instituting the Proceeding Shall Open Proof.** Unless otherwise directed, the following order of procedure shall apply to all hearings before the commission: At hearings on informal complaints, formal complaints, or petitions, the complainant or petitioner shall open the proof. The presiding officer(s) shall determine the subsequent order of procedure. Intervening parties shall follow the party in whose behalf intervention is made; except that in all cases where the intervention is not in support of either original party, the presiding officer(s) shall determine when such intervening party shall be heard.

(h) **Failure to Appear.** If a complainant or petitioner fails to appear at a hearing, the presiding officer(s), at his (their) discretion may dismiss the proceeding with or without prejudice, continue the hearing, or grant the relief requested on the basis of a verified complaint or petition and affidavits, if any, filed in the case, which in all such cases shall be considered as having been offered in evidence at the hearing by the complainant or petitioner who is absent, but the presiding officer(s) shall not grant the relief requested upon such a showing if any person appears at the hearing who qualifies as a party and objects thereto.

(i) **Admission of Evidence.** In a contested case, the presiding officer(s) may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. He (they) shall give effect to rules of privilege recognized by law. He (they) may exclude incompetent, irrelevant, immaterial and repetitious evidence.

(j) **Documentary Evidence.** In a contested case, documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(k) **Evidence Must be Offered.** All evidence in a contested case, including records and documents in the possession of the commission of which the presiding officer(s) desire(s) to avail itself (themselves), shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case.

(l) **Official Notice.** In a contested case, the presiding officer(s) may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified in writing either before or during hearing, or by reference in preliminary reports or otherwise, or by oral statement in the record, of the material so noticed, and they shall be afforded opportunity to contest the facts so noticed.

(m) **Record of Proceeding.** The commission shall prepare an official record of all contested proceedings, including testimony and exhibits. Testimony before the presiding officer(s) shall be taken in shorthand or by stenotype by the official reporters at the expense of the commission. A transcript shall be prepared for any person requesting same at his expense; otherwise the preparation of a transcript shall be at the option of the commission.

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PSC 516 Hearing; Notice

(a) Except as otherwise provided by statute or these rules, written notice of all hearings shall be served at least thirty (30) days before the date set therefor, upon all parties and such other persons as the commission directs, unless the commission for good cause determines a longer or shorter period of notice. The notice shall state the time, place and nature of the hearing and include a concise statement of the matter to be considered. The commission, except as otherwise provided by statute, may prescribe by order the form and extent of notice to be given.

(b) The department's Notice of Public Hearings and Decisions shall be issued weekly and shall be mailed to all subscribers, and to all parties and other persons deemed interested in a given proceeding by the secretary, and shall constitute official notice of all formal proceedings.

(c) When a utility has filed proposed changes in its rates or has requested new rates and charges, the commission shall, pursuant to statute, give notice by the governing bodies of each municipality or county in the area affected by such proposed changes. In addition, when determined by the commission to be appropriate, the utility proposing a change in rates shall notify individually its subscribers of the proposed change by billing stuffer or other appropriate method.

(d) All utilities seeking rate changes which have been scheduled for hearing shall cause to be published at least ten (10) days prior to the hearing a notice of hearing in a manner and form approved by the commission which will include, at a minimum, publication in the legal newspapers of the county seat towns in the counties in the service areas of the utilities affected. The notice shall indicate the place and date of the commencement of the hearing and shall include a summary sheet describing the percentage impact of the proposed rate changes upon revenues by the various classes of services offered by the petitioning utility and shall include a list of petitioner's business office locations where the proposed rate schedules and a comparison of present and proposed rates can be examined by the public. The notice shall also contain in bold type the following statement: "The rate changes described in this notice have been requested by (specific utility). The commission may either grant or deny the requested changes, in whole or in part, and may grant a lesser or greater increase than that requested for any class or classes of service." Affidavits of publication and/or proof of service shall be filed at or before the commencement of the scheduled hearing.

(e) In addition to the notice required in paragraph (d) above, the petitioning utility company shall, at least ten (10) days prior to the scheduled hearing, mail a copy of the notice of hearing to the governing bodies of all cities within its service area as well as to all parties who have appeared in the two most recent rate proceedings of the petitioner and whose names appear as such in commission files. Such notice shall indicate the place of the hearing, the date of commencement and include a summary sheet describing the percentage impact of the proposed rate changes upon revenues by the various classes of service offered by the petitioner, and shall include a list of the petitioner's business office locations where the proposed rate schedules and a comparison of present and proposed rates can be examined. Proof of service is to be filed at or before the scheduled initial hearing.

(f) The petitioning utility shall, at least ten (10) days prior to the hearing, have available for inspection at its principal business office and such other

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business offices of the petitioner as the commission shall direct, statements of facts, expert opinions, substantiating documents, and exhibits supporting the change requested, and further, shall state the change proposed to be made in the rates than in force and the time when the modified rates will go into effect.

PSC 517 Prehearing Conferences; Settlement Conferences; Stipulations

(a) In order to provide opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding expedited, conferences between the parties to the proceeding and staff for such purposes may be held at any time prior to such hearings before the presiding officer(s) as time, the nature of the proceeding and the public interest may permit.

(b) At such prehearing or other conferences as may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

- (1) Simplification of the factual and legal issues to be determined;
- (2) Amendment of pleadings;
- (3) Determination of prehearing motions;
- (4) Separation of issues;
- (5) Consolidation of presentations by parties having substantially the same interest;
- (6) The names, number and order of presentation of witnesses giving testimony;
- (7) Production of exhibits and consideration of their authenticity;
- (8) Arrangement for completion of discovery activities;
- (9) Submission and consideration of appropriate authorities in support of contentions made;
- (10) Estimation of the time required for hearing;
- (11) Discussion of the possibility of voluntary dismissal of the proceedings;
- (12) All other matters that may aid in the disposition of the proceedings.

(c) The presiding officer(s), with or without motion, may direct that a conference be held, and direct the parties to the proceeding, their attorneys, and the department's staff to appear thereat to consider any or all of the matters enumerated in paragraph (b) of this section. Due notice of the time and place of such conference will be given to all parties to the proceeding, their attorneys and the department's staff. All parties shall come to the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. Such preparation should include, among other things, advance study of all relevant material, and advance

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informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable. Failure of a party to attend such conference, without prior notification to the presiding officer and for good cause, after being served with due notice of the time and place thereof, shall constitute a waiver of all objections to any order or ruling with respect thereto, but shall not otherwise prejudice such a party's position as to the issues in the proceeding.

(d) The presiding officer(s) at such conference may dispose of by ruling, irrespective of the consent of the parties, any procedural matters which he (they) is (are) authorized to rule upon during the course of the proceeding. All rulings made at the prehearing conference shall be binding on all parties to the proceedings. Such rulings may be subsequently modified for good cause shown.

(e) Nothing contained in this section shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the department staff, or from requesting conferences for such purpose. The presiding officer(s) shall have the same powers at settlement conferences as those enumerated for prehearing conferences.

(f) The parties to a proceeding before the commission may agree by stipulation either in writing filed with the commission or oral entry in the record upon the facts or any portion thereof involved in the controversy and such stipulation shall be regarded and used as evidence in the determination thereof.

PSC 518 Witnesses

(a) **Witnesses and Subpoenas; Who May Issue.** Subpoenas requiring the attendance of witnesses at any designated place of hearing within the State of Minnesota and/or for the production of books, papers, or documents may be issued by the commission or by any member thereof or by a presiding officer. The commission or presiding officer(s) upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith may: (1) quash or modify the subpoena if it is unreasonable or oppressive or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers or documents.

(b) **Fees of Witnesses.** Witnesses who are subpoenaed are entitled to the same fees as are paid for like service in the district courts of the State of Minnesota, such fees to be paid by the party at whose instance the testimony is taken.

(c) **Service of Subpoenas.** Service of subpoenas shall be made in like manner as provided by law for the service of subpoenas in the district courts of this state.

PSC 519 Briefs and Closing Argument

(a) **Requests for Briefs or Closing Argument.** If briefs or closing argument are desired by any of the parties to the proceeding, they shall notify the presiding officer(s) before or at the hearing. If such request is made, the presiding officer(s) shall allow all parties to file briefs and/or make closing argument. He (they) shall also prescribe the time for service and filing of briefs or making of closing argument.

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(b) **Filing and Service of Briefs.** All briefs for presentation to the presiding officer(s) must be filed with the secretary accompanied by written evidence of service upon opposing counsel, party or parties.

(c) **Recording and Transcribing Closing Argument.** Oral argument shall be recorded and transcribed only if the commission so orders; when transcribed it shall be bound with a transcript of the testimony (if the testimony has been transcribed), and will be available to the commission for consideration in deciding the matter.

(d) **Transcripts.** The charge for transcripts shall be fixed by resolution of the commission.

PSC 520 Decisions and Orders

(a) **Filing; Content; Service.** Decisions and orders of the commission when made shall be filed with the secretary, who shall notify by mail all parties to the proceeding of such filing. Every decision or order adverse to a party in a contested case shall be in writing or stated in the record and shall include a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. A copy of the decision or order shall be delivered or mailed to each party.

(b) **Proposal for Decision or Order.** In a contested case the presiding officer(s) shall make and file a proposal for decision stating his findings of fact and his conclusions and recommendations. The secretary shall serve each party by mail with a copy of the proposal for decision or order.

(c) **Exceptions.** Within twenty (20) days after service of the proposal for decision or order, any party may file and serve exceptions thereto and reasons in support thereof.

(d) **Form of Exception; Reply.** Exceptions with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. When exception is taken to a statement of fact, a corrected statement must be incorporated. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. A reply to exception is not required, but may be filed by any party within ten (10) days after service of the exceptions to which reply is made along with proof of service thereof on all parties of record.

(e) **Argument.** Exceptions and replies thereto shall contain written arguments in support of the position taken by the party filing such exceptions or reply. An opportunity for oral argument before a majority of the commissioners shall be permitted all parties in the event that any party adversely affected by a proposal for decision, at the time of filing his exceptions or reply, requests oral argument. Oral arguments shall be limited to a discussion of legal questions and a restatement of facts in evidence. No new evidence shall be received at oral arguments.

PSC 521 Petitions for Further Hearing, Rehearing, Amendment, Vacation, Reconsideration, or Reargument

(a) **Petition for Further Hearing.** Before the presiding officer(s) renders his (their) proposal for decision or order in any proceeding, any party desiring a further hearing may file a petition with the presiding officer(s), which shall clearly set forth the grounds relied upon for a further hearing; and if

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it is proposed to produce additional testimony, the testimony so to be produced shall be briefly summarized. No further hearing will be granted where it appears that the evidence to be adduced will be merely cumulative. The petition shall be served upon all parties to the proceeding. An adverse party shall have 10 days from the date of the service of the petition within which to answer. No reply to an answer will be permitted. The presiding officer(s) may grant or deny the petition without a hearing or, in his (their) discretion, set a hearing on the petition.

(b) Petition for Rehearing, Amendment, Vacation, Reconsideration, Re-argument. Within twenty (20) days from the date of the mailing by the secretary of the final decision or order, any party may petition for a rehearing, or for an amendment or vacation of the findings of fact, decision or order, or for reconsideration or reargument. If the petition be for a further hearing, rehearing, vacation, reconsideration, or reargument, the grounds relied upon shall be specifically set forth and the claimed errors clearly stated. If the petition be for an amendment of the findings of fact, decision, or order, it shall contain the desired proposed amendments, and the reasons therefor shall be clearly stated. The petition shall be served upon all parties to the proceeding. An adverse party shall have ten (10) days from the date of the service of the petition to answer and no reply will be permitted. The commission may grant or deny the petition without a hearing, or in its discretion set a hearing thereon. Pending the decision of the commission on the petition, the commission may vacate and set aside the decision or order. No petition will extend the time of appeal from the decision or order.

(c) Amendment of Effective Date of Order or Decision. Petitions for amendment of order or decision which seek only a change in the date when they shall take effect, or in the period or date thereby prescribed, must be made by petition reasonably filed and served in like manner as other petitions under this rule, except that, in case of unforeseen emergency satisfactorily shown by the petitioner which requires relief within three (3) days, such relief may be sought informally, by telegram or otherwise, upon notice thereof to all parties to the proceeding.

(d) Second Petition Upon Same Ground Not Entertained. A second petition for further hearing, rehearing, amendment or vacation of any finding of fact, decision or order, reconsideration or reargument by the same party or parties and upon the same grounds as a former petition which has been considered and denied, will not be entertained.

Filed July 1, 1975

Public Utilities Commission

Governing Rule Variances

4 MCAR § 3.0600 Variances. The Public Utilities Commission upon written application or upon its own motion shall grant a variance to any of its rules in an instance where it appears to the satisfaction of the commission that:

A. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;

B. Granting of the variance would not adversely affect the public interest; and

C. Granting of the variance would not conflict with standards imposed by law.

The commission shall, within 30 days after receipt of an application, notify the applicant by written order of the granting or denial of the variance and the reasons therefor. A variance may be conditioned upon alternative practices proposed by the applicant or imposed by the commission.

Variances may be of limited duration, and may be revoked if a material change occurs in the circumstances which justified the variance, or if the applicant fails to comply with the specified alternative practices.