

1 Public Utilities Commission

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3 Adopted Permanent Rules Relating to Code of Conduct

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5 Rules as Adopted

6 7845.0100 DEFINITIONS.

7 Subpart 1. Code. "Code" refers to the code of conduct
8 required by Minnesota Statutes, section 216A.037, subdivision 3,
9 and set out in this chapter.

10 Subp. 2. Commission. "Commission" means the Minnesota
11 Public Utilities Commission.

12 Subp. 3. Commissioner. "Commissioner" means a member of
13 the commission.

14 Subp. 4. Employee. "Employee" means the executive
15 secretary of the commission, or a member of the commission's
16 professional, secretarial, or clerical staff.

17 Subp. 5. Public utility. "Public utility" has the meaning
18 given it in Minnesota Statutes, section 216B.02, subdivision 4,
19 except that for the purposes of this chapter it also includes a
20 municipal utility or a cooperative electric association that
21 produces or furnishes natural, manufactured, or mixed gas or
22 electric service and its agents, officers, and representatives.

23 Subp. 6. Telephone company. "Telephone company" has the
24 meaning given it in Minnesota Statutes, section 237.01, except
25 that for the purposes of this chapter it also includes an
26 independent telephone company as defined in Minnesota Statutes,
27 section 237.01, subdivision 3; a radio common carrier as defined
28 in Minnesota Statutes, section 237.01, subdivision 4; and their
29 agents, officers, and representatives.

30 Subp. 7. Party. "Party" means a person by or against whom
31 a proceeding before the commission is commenced or a person
32 permitted to intervene in a proceeding before the commission. A
33 party includes a petitioner, complainant, intervenor, applicant,
34 and respondent, and their attorneys, agents, or representatives.

35 Subp. 8. Proceeding. "Proceeding" means a formal or

1 informal undertaking of the commission, on its own motion or
2 otherwise, in which it seeks to resolve questions or issues
3 raised in a complaint, in a petition, or during rulemaking.

4 7845.0200 AUTHORITY.

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

7 7845.0300 PURPOSE AND CONSTRUCTION.

8 The purpose of this code is to preserve the integrity and
9 independence of commission decision making and to promote public
10 confidence in the objectivity of commission decisions.

11 Commissioners and employees should maintain high standards of
12 conduct to prevent a conflict or the appearance of a conflict
13 between private interests and official duties. This code must
14 be construed to secure these objectives in keeping with the
15 quasi-judicial function of the commission.

16 7845.0400 CONFLICT OF INTEREST; IMPROPRIETY.

17 Subpart 1. General behavior. A commissioner or employee
18 shall respect and comply with the law and shall behave in a
19 manner that promotes public confidence in the integrity and
20 impartiality of the commission's decision-making process.

21 Subp. 2. Actions prohibited. Commissioners and employees
22 shall avoid any action that might result in or create a conflict
23 of interest or the appearance of impropriety, including:

24 A. using public office for private gain;

25 B. giving preferential treatment to an interested
26 person or entity;

27 C. impeding the efficiency or economy of commission
28 decision making;

29 D. losing independence or impartiality of action;

30 E. making a commission decision outside official
31 channels; and

32 F. affecting adversely the confidence of the public
33 in the integrity of the commission.

34 7845.0500 QUASI-JUDICIAL RESPONSIBILITIES.

1 Subpart 1. Inappropriate influences. Commissioners shall
2 not be swayed by partisan interests, public clamor, or fear of
3 criticism.

4 Subp. 2. Orderly proceedings, behavior. Commissioners
5 shall maintain order and decorum in proceedings before the
6 commission. In their official capacity, commissioners must be
7 patient, dignified, and courteous to litigants, witnesses,
8 lawyers, commission staff, and others appearing before them.
9 Commissioners shall require similar conduct from persons
10 appearing before them.

11 7845.0600 DISQUALIFICATION.

12 Subpart 1. Disqualifying factors. Commissioners and
13 employees shall disqualify themselves if they:

14 A. have a personal bias or prejudice concerning a
15 party;

16 B. before employment with the commission, served or
17 participated as a lawyer or material witness in the pending
18 proceeding; or

19 C. have an interest, other than that of the general
20 public, that could be substantially affected by the outcome of
21 the proceeding.

22 Subp. 2. Written disclosure; withdrawal. The commissioner
23 or employee shall disclose in writing within 48 hours to the
24 commission the disqualifying interest and withdraw, taking no
25 part in the pending proceeding.

26 7845.0700 PROHIBITED ACTIVITIES.

27 Subpart 1. In general; exceptions. A commissioner or
28 employee shall not directly or indirectly solicit or accept for
29 the commissioner or employee, or for another person, any
30 compensation, gift, gratuity, favor, entertainment, meal,
31 beverage, loan, or other thing of monetary value from a public
32 utility, telephone company, or party, that exceeds nominal
33 value. This prohibition does not apply to:

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

1 B. an educational program devoted to improving the
2 regulatory process or the administration of the commission that
3 is open to other interested groups or state agencies under the
4 same terms and conditions. Meals associated with the program
5 must be paid for by a commissioner or employee who attends the
6 program.

7 Subp. 2. Outside income. A commissioner or professional
8 employee shall not receive personal income, directly or
9 indirectly, from a public utility or telephone company subject
10 to regulation by the commission. A commissioner or professional
11 employee may receive dividends or other earnings from a mutual
12 fund or trust so long as the mutual fund or trust does not hold
13 a significant portion of its investments in public utilities or
14 telephone companies subject to regulation by the commission.

15 Subp. 3. Interests in utilities. A commissioner or
16 professional employee shall not invest in a public utility or
17 telephone company, acquire a legal or equitable interest in it,
18 however small, become its director or advisor, or actively
19 participate in its affairs. This prohibition does not apply to:

20 A. ownership in a mutual fund or trust that holds
21 securities in a telephone company or public utility unless the
22 commissioner or professional employee participates in the
23 management of the fund;

24 B. holding office or title in an educational,
25 religious, charitable, fraternal, or civic organization that
26 owns securities in a telephone company or public utility;

27 C. purchasing services from a telephone company or
28 public utility on the same terms and conditions as a member of
29 the general public; or

30 D. holding membership in a cooperative association
31 under the same terms and conditions as other members of the
32 cooperative.

33 Subp. 4. Outside employment. A commissioner or employee
34 shall not negotiate for or accept outside employment or other
35 involvement in a business or activity that will impair the
36 person's independence of judgment in the exercise of official

1 duties.

2 Subp. 5. **Insider information.** A commissioner or employee
3 shall not directly or indirectly use, or permit others to use,
4 information not made available to the general public, to advance
5 a private interest.

6 7845.0800 FUTURE EMPLOYMENT.

7 Subpart 1. **One-year restriction.** While employed with the
8 commission or within one year after leaving it, a commissioner
9 shall not accept employment with, receive compensation directly
10 or indirectly from, or enter into a contractual relationship
11 with a public utility or telephone company subject to rate
12 regulation by the commission.

13 Subp. 2. **Commissioner communication with parties.** A
14 commissioner shall not communicate, directly or indirectly, with
15 a party to a pending proceeding before the commission regarding
16 past or future benefits or compensation to be received from that
17 party. The commissioner shall disclose in writing to the
18 commission any communication regarding past or future benefits
19 or compensation within 48 hours after the communication is
20 made. The commission may dismiss a proceeding if an applicant,
21 petitioner, or complainant violates this subpart.

22 Subp. 3. **Employee communication with parties.** A
23 professional employee shall disclose in writing to the
24 commission any communication regarding future benefits,
25 compensation, or employment with a party to a pending proceeding
26 before the commission within 48 hours after the communication is
27 made. Reprisals must not be taken against a professional
28 employee who complies with this subpart.

29 7845.0900 POSTEMPLOYMENT REPRESENTATION.

30 Subpart 1. **By commissioner.** A commissioner shall not
31 represent a public utility or telephone company subject to rate
32 regulation by the commission, formally or informally, before the
33 commission for one year after leaving the commission. At no
34 time shall a commissioner represent a party on a proceeding that
35 was pending before the commission during that commissioner's

1 term in office.

2 Subp. 2. By employee. For one year after leaving the
3 commission, an employee shall not represent a public utility or
4 telephone company subject to rate regulation by the commission,
5 before the commission on a proceeding that the employee
6 participated in during that employment with the commission.

7 7845.1000 SANCTIONS.

8 Subpart 1. Against commissioner. A commissioner who
9 intentionally fails to comply with this code is subject to
10 disciplinary action under Minnesota Statutes, sections 15.0575
11 and 216A.036, and in accordance with Minnesota Statutes, section
12 43A.33.

13 Subp. 2. Against employee. An employee who intentionally
14 fails to comply with this code is subject to disciplinary action
15 under the applicable collective bargaining agreement,
16 commissioner's or manager's plan, or in accordance with
17 Minnesota Statutes, section 43A.33.