

January 31, 2024

VIA EFILING ONLY

Katherine M. Kahlert
Rule Requestor
Minnesota Public Utilities Commission
121 7th Place E Ste 350
Saint Paul, MN 55155
kate.kahlert@state.mn.us

Re: *In the Matter of a Rulemaking to Amend Pipeline Definitions in Minnesota Rules, Chapter 7852, to Conform with Statutory Changes*
OA# 23-9004-39655; Revisor R-4836

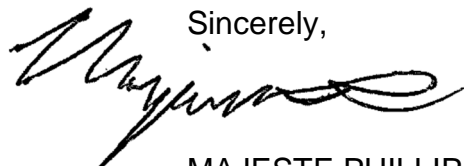
Dear Katherine M. Kahlert:

Enclosed herewith and served upon you by mail is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.388 AND MINN. R. 1400.2400** in the above-entitled matter. The amendments to the rule parts are exempt from the rulemaking requirements of Minn. R. ch. 1400 (2023) pursuant to the good cause exemption in Minn. Stat. § 14.388, subd. 3 (2022).

With the approval of the adopted rules, the Office of Administrative Hearings has closed this file and is returning the rule record to the Minnesota Public Utilities Commission so that the Commission can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365 (2022). Upon submission to the Office of Administrative Hearings of the Commission's signed order approving the rules, the Office of Administrative Hearings will file the rules with the Secretary of State. The Commission's next step is to arrange for publication of the proposed amendments in the State Register as required by Minn. Stat. § 14.388, subd. 1 (2022).

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



MAJESTE PHILLIP
Legal Specialist

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of a Rulemaking to Amend
Pipeline Definitions in Minnesota Rules
Chapter 7852, to Conform with Statutory
Changes, Request for Review and
Approval of Good Cause Exempt Rules
Under Minnesota Statutes, Section 14.388

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.388
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge Suzanne Todnem upon the request of the Public Utilities Commission (Commission) for a legal review of the above-entitled rule under Minn. Stat. § 14.388 (2022) and Minn. R. 1400.2400 (2023).

On January 18, 2024, the Commission filed required documents with the Office of Administrative Hearings seeking review and approval of its proposed rule. No comments were submitted to the Office of Administrative Hearings by the January 25, 2024, deadline. The record closed on that date.

Based upon a review of the written submissions by the Commission, and for the reasons set out in the Memorandum which follows below,

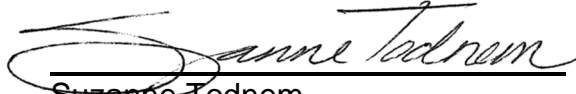
IT IS HEREBY DETERMINED THAT:

1. The Commission has complied with the procedural requirements of Minn. Stat. §§ 14.388 (2022), and Minn. R. 1400.2400 (2023).
2. The proposed rule amendments incorporate specific changes stated in the 2023 Laws of Minnesota, Regular Session, chapter 60, article 12, section 60. The specific changes in the proposed rules are technical in nature and no interpretation of the law is required so the Commission has the statutory authority to adopt these proposed rules using the exempt rulemaking process.

IT IS HEREBY ORDERED THAT:

The adopted rules are **APPROVED**.

Dated: January 31, 2024


Suzanne Todnem
Administrative Law Judge

MEMORANDUM

In 2023, the Minnesota Legislature amended the definition of “gas” and “hazardous liquid” as defined in Minn. Stat. § 216G.02, subd. 1(b) and (c) (2022).¹ The Commission has the legal authority to adopt rules governing the routing of pipelines in Minnesota.² The Commission has properly invoked the good cause exemption to the rulemaking process because the adopted rules incorporate the specific changes set forth in the chapter laws and require no additional interpretation of law.³ It is therefore appropriate to approve the rules as proposed.

S. T.

¹ See, 2023 Minn. Laws, ch. 60, art. 12, § 60.

² See, Minn. Stat. § 216G.02, subd. 3 (2022).

³ See, Minn. Stat. § 14.388, subd. 1(3).