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Pages 1661-1692



STATE OF
MINNESOTA

Register

HIGHLIGHTS:

Standards, Grades and Price Differentials for Milk and Cream
Manufacturing

—Adopted Rules from the Department of Agriculture

Senior Companion Program

—Adopted Rules from the Department of Public Welfare

Reporting Requirements for Natural Gas Utilities and Interstate
Natural Gas Pipeline Companies

—Proposed Rules from the Energy Agency

Railroad Changes in Alberta, Danvers, Graceville, Hopkins and
South St. Paul

—Notices of Contested Case Hearings from the Department
of Transportation

EQC Monitor:

EIS for Duplexes on Summit Avenue

Route Alteration for NSP Power Line

Proposed Asphalt Mixing Plant in St. Paul

VOLUME 1, NUMBER 46

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*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MCAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MCAR.

EXECUTIVE ORDERS

Executive Order No. 148

Providing a Barrier-Free Environment for Elderly and Disabled Citizens

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, it is the policy of the State of Minnesota to support a goal of maximum independence for its elderly and disabled citizens, and to therefore provide a barrier-free environment, consistent with existing state and federal legislation;

NOW, THEREFORE, I order:

1. That all new state-owned buildings shall meet the state building code requirements on accessibility when constructed. In addition, all existing buildings will be brought to handicapped code standards as they are remodeled.

2. Space in buildings leased for state operations shall be free of mobility barriers.

3. All meetings and conferences when sponsored by state agencies in non-state facilities shall be held in hotels, motels, restaurants, and other locations that are free of mobility barriers.

This order shall be effective upon publication in the *State Register* and shall remain in effect until rescinded by the proper authority.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 5th day of May, 1977.



RULES

Department of Agriculture Standards, Grades and Price

Differentials for Milk and Cream for Manufacturing Purposes and Hauling of Milk and Cream from Farm to Receiving Station or Processing Plant

The rules published at State Register Vol. 1, No. 23, p. 911, December 13, 1976 (1 S.R. 911), are adopted and are identical in every respect to their proposed form, with the following amendments:

Chapter Forty-Nine

Agr 1191 Illegal milk.

[Illegal milk is milk which has visible foreign material, which is abnormal in any respect or which has a sediment test in excess of 2.5 mg. as indicated by Pad No. 3.]

[(a)] **A.** [Illegal Milk;] Rejection. Purchasers of milk for manufacturing purposes shall reject all illegal milk immediately. They shall denature it by the addition of a harmless blue coal tar dye approved by the commissioner, shall affix to all cans or containers containing illegal milk a rejection tag provided by the commissioner and shall indicate on the tag the reason for rejection. Under no circumstances shall such tags be removed from the cans or containers by the trucker, handler or any other person while such illegal milk is contained therein. Such illegal milk shall not be sold for human consumption.

[(b)] **B.** [Illegal Milk;] Sediment. If [the] a randomly selected can of milk yields sediment in excess of 2.5 mg., [[as indicated by Pad No. 3,]] the remaining cans of that delivery of the producer's milk shall be tested and all cans yielding pads in excess of Pad No. 3 shall be declared illegal and shall be rejected, denatured, tagged and returned to the producer.

[(c)] **C.** [Illegal Milk;] Sediment; Subsequent Deliveries. Thereafter, sediment tests shall be made of all the cans included in each subsequent delivery of said producer's milk until each can of milk in a delivery shows a sediment of 2.5 mg. or less, but such testing shall not be continued for more than [seven (7) such consecutive deliveries] **ten (10) calendar days**. If, [on the seventh such consecutive delivery] **after ten days**, any can of the producer's milk yields sediment in excess of 2.5 mg., [[as indicated by Pad No. 3,]] the producer becomes a rejected patron and no milk from such producer's premises shall be offered for sale thereafter for human consumption nor shall it be accepted

by a dairy plant, until sale or acceptance is authorized by the commissioner.

Department of Public Welfare Minnesota Senior Companion Program

The rules published in State Register Vol. 1, No. 7, pages 254-257, August 23, 1976 (1 S.R. 254-257), are adopted and are identical in every respect to their proposed form, with the following amendments:

DPW 195 A. 1. Authority. This rule is enacted pursuant to the statutory authority vested in the Minnesota Board on Aging [[and the department of Public Welfare]] pursuant to Laws of 1976, ch. 323, establishing a senior companion program to engage the services of low income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare and related fields primarily to handicapped adults and elderly people living in their own homes.

DPW 195 F. 2. Each facility [[other than a private home]] serving as a volunteer station, shall be licensed or otherwise certified by the appropriate state or local licensing authority.

DPW 195 G. 1. To be eligible for enrollment as a volunteer, senior companions shall:

- a. Be 60 years of age or over.
- b. Have an annual income at or below the applicable income eligibility level as established by the Board.
- c. No longer be in the regular work force.
- d. Have a physical examination and report adjudging them fit for duty.

DPW 195 J. 1. Pursuant to the intent of the Senior Companion Act and these rules, the Board on Aging shall, from time to time, develop and promulgate [[policy]] interpretive guidelines and forms for the administration of uniform and equitable procedures in setting or revising:

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

Energy Agency

Natural Gas Utilities and Interstate Natural Gas Pipeline Companies Information Reporting

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room A of the Veterans Service Building, 20 West 12th Street and Columbus Avenue between Wabasha and Iglehart, Saint Paul, on June 23, 1977, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally or in writing at the hearing and written materials may be submitted by mail to William Seltzer, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota, 55104, telephone (612) 296-8105 either before the hearing or within 20 days after the close of the hearing.

The proposed rule amendments, if adopted, would improve, update and make more precise the reporting requirements currently imposed on natural gas utilities and interstate natural gas pipeline companies. Certain proposed rule amendments would require additional forecast data of the gas utilities and interstate natural gas pipeline companies to enable the director to better anticipate future state energy demands and enable him to make sensible and rational recommendations for limiting such growth. Certain other proposed rule amendments will aid the director in monitoring energy usage by the state's largest end users. Finally, certain proposed rule amendments delete present reporting requirements which were one time in nature, unnecessary in order for the Agency to fulfill its legislative mandate, overly cumbersome in nature, or duplicative of information collected by other agencies.

Copies of the proposed amended rules are now available and one free copy may be obtained by writing to the Minnesota Energy Agency, 740 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, 55101. Copies will also be available at the door on the date of the hearing. The Agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 116H.08(a) (1974). A Statement of Need presenting facts showing the need for and reasonableness of the proposed amendments and a Statement of Evidence summarizing the evidence to be presented at the hearing in support of the proposed amendments will be filed at the Office of Hearing Examiners at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat., ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

John P. Millhone
Director

Rules as Proposed

EA [300] 301 Purpose.

A. The purpose of these rules is to implement the forecasting, statistical and informational reporting requirements of Minn. Stat. §§ 116H.10 and 11 [(1974)]. These rules are adopted pursuant to the powers of the director conferred by Minn. Stat. §§ 116H.08 subd. (a) [(1974)], and are designed to identify emerging energy trends based on supply and demand, conservation and public health and safety factors and to determine the level of state-wide and service area energy needs.

[EA 301 Applicability of these rules]

B. Each gas utility serving ultimate [customers] **consumers** in the State of Minnesota and each interstate gas pipeline company serving any gas utility located in the State of Minnesota or ultimate consumers in the State shall submit the information required by these rules to the director in the form specified by him.

Any entity which is both a gas utility company and an interstate gas pipeline company shall file one report on its pipeline operations and one report on its utility operations.

EA 302 Definitions. For purposes of these rules, the following definitions shall apply:

[(a)] A. "Agency" means the Minnesota Energy Agency;

[(b)] B. "Annual gas consumption" means the total amount of gas used or disposed of in Minnesota for all purposes by either a **gas utility** or **interstate pipeline company**. This definition shall not include natural gas in storage **at the end of the reporting year**;

PROPOSED RULES

[(c)] C. "Annual sales to ultimate consumers" means gas sales to end-use customers in a utility's or pipeline company's Minnesota [S]service [A]area;

[(d)] D. "Construction" means any significant physical alteration of a site to install or enlarge a large energy facility but shall not include activities incident to preliminary engineering or environmental studies;

[(e)] E. "Curtailed [below contract demand]" means the reduction or cutoff of supply to firm or interruptible customers which are related directly to deficiencies in gas supply;

[(f)] F. "Design day" means the 24-hour period of the greatest theoretical gas demand at a given 24-hour average temperature;

[(g)] G. "Design day availability" means the volume of each type of gas available on the design day and the maximum total volume of such supplies;

[(h)] H. "Director" means the director of the Minnesota Energy Agency;

[(i)] I. "Firm contract customers" means customers served under schedules or contracts which neither anticipate nor permit interruption;

[(j)] J. "Gas" means any form of gaseous fuel distributed as a vapor through distribution systems to ultimate consumers including natural gas and all gaseous fuels equivalent in performance to [domestic] natural gas;

[(k)] K. "Gas volume" means the volume of gas as measured at 14.73 psia at 60° Fahrenheit. All volumes shall be in thousands of cubic feet (MCF) unless otherwise stated;

[(l)] L. "Interruptible contract customers" means customers served under schedules or contracts which anticipate or permit interruption of service during the term of the contract;

[(m)] M. "Large energy facility" means any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota, any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, or any underground gas storage facility requiring a permit pursuant to Minn. Stat. § 84.57 [(1974)];

[(n)] N. "Last calendar year" means the calendar year

immediately preceding the year in which reports are required to be filed;

[(o)] O. "Liquefied natural gas" means natural gas stored as a liquid at or near atmospheric pressure at a temperature of approximately -260° Fahrenheit;

[(p)] P. "Minnesota [S]service [A]area" means the geographical area within the State of Minnesota where a gas utility or interstate pipeline company serves ultimate consumers. The Minnesota [S]service [A]area for an interstate pipeline company shall also include all Minnesota utilities which it services;

[(q)] Q. "Natural gas" means a naturally occurring mixture of hydrocarbons and nonhydrocarbon gases found in porous geologic formations beneath the earth's surface, the principal constituent of which is methane; [domestic natural gas received by the utility from its pipeline supplier;]

[(r)] "Off peak contract customers" means customers serviced on special schedules or contracts on a firm basis but only for a specified time during the off peak season;]

[(s)] R. "Peak day" means the 24-hour period of greatest gas send out;

[(t)] S. "Interstate gas [P]pipeline company" means an entity which operates an interstate gas pipeline which provides gas to any utility located in Minnesota (also referred to in these rules as "pipeline company" or "interstate pipeline company");

[(u)] T. "Substitute natural gas" means any gaseous fuel, equivalent in performance to [domestic] natural gas which is created from other gases, liquids, or solid hydrocarbons. [For purposes of these rules] Substitute natural gas shall include liquid petroleum gases[,], such as propane [air,] [coal, gas, blue gas], butane, naphthas and [all] any other manufactured gases; [Substitute natural gas shall not include liquid natural gas;]

U. "Ultimate consumer" means end-use customers who do not sell gas for resale;

[(v)] V. "Utility" means any entity engaged in Minnesota, whose primary business is [in] the distribution of gas to ultimate consumers including, but not limited to, a private investor-owned utility or a public or municipally owned utility.

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EA 303 Registration. Each gas utility serving ultimate consumers and each interstate gas pipeline company serving any [gas] utility in Minnesota [on] [June 1, 1975,] must file a registration statement with the director. [by July 1, 1975.] Any utility or interstate pipeline company which commences operation in the state after June 1, 1975, shall file a registration statement with the director within 30 days after commencing operation. Each registration statement shall be on forms issued by the director and [made] available from the [a]Agency and shall contain the name and headquarters address of the utility or interstate pipeline company, [the type of utility or company which it is,] the names and addresses of all officers of the utility or interstate pipeline company, and the name, address and telephone number of a person who may be contacted for information about the utility or interstate pipeline company.

EA 304 Reporting dates.

A. Gas Utilities.

1. Except as provided by the director or in these rules, each utility shall file with the director the information required by EA 305, 306 [(b) and (c)], 307, [and] 309, and 313 by October 1, 1977 and by July 1 of each year thereafter.

2. Except as provided by the director, each utility shall file with the director the information required by EA [308] 311 on a quarterly basis as follows:

a. the [I]information for the period of January 1 to March 31 shall be filed by April 30[th];

b. the [I]information for the period of April 1 to June 30 shall be filed by July 31[st];

c. the [I]information for the period of July 1 to September 30 shall be filed by October 31[st];

d. the [I]information for the period of October 1 to December 31 shall be filed by January 31 of the following year.

B. Interstate Gas Pipeline Companies. Except as provided by the director, each interstate pipeline company shall file with the director the information required by EA 305, [EA 306(a)] 308, 310, 312, and [EA 307] 314 by July 1 of each year. [Except as provided by the director, each pipeline company shall file with the director the information required by EA 308 (c) within 10 days after said information is supplied to the Federal Power Commission;]

[No changes shall be made in the reporting dates set forth in this section unless each reporting utility and pipeline company has been given written notice of such change 30 days before the effective date of such change.]

EA 305 Federal reports filed by gas utilities and interstate gas pipeline companies. Each utility and interstate pipeline company shall identify to the director all forms and reports pertaining to gas supply and demand which it regularly filed with the Federal Power Commission, Bureau of Mines and other federal agencies. Upon request of the director, any utility or pipeline company shall make copies of any forms or reports available to the director.

EA 306 Basic forecasts and current statistics for gas utilities.

[(a) Each pipeline company shall submit annually to the director 5, 10 and 15 year annual gas supply forecasts within its Minnesota Service Area. The five year forecast shall be broken down by utility showing the volume of gas that is expected to be available to each in each of the reporting years in 306 (d);]

[(b)] **A.** Each gas utility shall submit annually to the director [5, 10, and 15 year annual consumption forecasts] for the last calendar year, the present calendar year and the subsequent 15 years actual data and forecasts of anticipated annual gas consumption and supply. [The forecasts shall contain the following data for each of the reporting years in 306 (d).]

B. The basic forecast and current data shall contain the following data for each year cited in rule EA 305 A:

[(i)] **1.** [A]annual sales to ultimate consumers [for each] [community] within the utility's Minnesota [S]service [A]area [and the total sales, by volume, to ultimate] [consumers in its Minnesota Service Area];

[(ii)] **2.** [T]the annual volume of gas delivered or expected to be delivered to other utilities for resale;

[(iii)] **3.** [T]the annual volume of gas used in the operation of the utility within its Minnesota service area;

[(iv)] **r.** [T]the annual volume of gas used in the utility's Minnesota [S]service [A]area but unaccounted for in EA 306 [(i)-(iii)] **B.1. through 3;**

[(v)] **5.** [T]the total annual gas consumption, for all purposes, in the utility's Minnesota [S]service [A]area. (total consumption equals items [i + ii + iii + iv = v] **1. + 2. + 3. + 4. = 5.**). Exclude gas held in storage at year's end;

[(vi)] **6.** [T]the total annual [supply by] volume of substitute natural gas provided by the utility to supplement the utility's supply of natural gas for use in its Minnesota [S]service [A]area;

[(vii)] **7.** [T]the total annual [supply by] volume of

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liquefied natural gas supply **withdrawn from storage** by the utility for use in its Minnesota [S]service [A]area;

8. the total volume of natural gas **withdrawn from underground storage** by the utility for use in its Minnesota service area;

9. the total annual volume of gas received or estimated to be received from the interstate pipeline company for use in its Minnesota service area;

10. the design day maximum gas demand volume for the utility's Minnesota service area firm customers;

[(viii)] 11. [T]the maximum winter peak day volume of gas [delivered] **sent out** or expected to be [delivered] **sent out** in the utility's Minnesota [S]service [A]area;

12. the design day availability of each type of gas that the utility will have available and the maximum one-day volume of gas such supplies will provide;

13. the amount of substitute natural gas the utility will have for use in storage at the beginning of the winter heating season for use in its Minnesota service area;

14. the amount of liquid natural gas the utility will have for use in storage at the beginning of the winter heating season for use in its Minnesota service area;

15. the amount of natural gas the utility will have in underground storage for use at the beginning of the winter heating season;

16. the type and amount of fuel used or to be used in Minnesota to produce substitute natural gas; and

[(c)] 17. [Market profile forecasts. Each utility shall, based on the forecasts required by EA 306 (b), provide a] **the actual historic data** [historical or forecasted market profile] **and a forecast of** [its] direct sales to **ultimate customers and the** [for each of the reporting years in 306 (d). Market profile categories shall be as follows] **number of such customers in each of the following categories:** [residential firm, commercial firm, commercial interruptible, industrial firm, industrial interruptible, industrial off peak, electric utilities firm, electric utilities interruptible, electric utilities off peak, other consumers firm, other consumers interruptible, other consumers off peak, own company use, transferred to storage, removed from storage, unaccounted for gas, total disposition of natural gas.]

- a. residential firm;
- b. commercial firm customers who use less than 200 MCF on peak day;
- c. commercial firm customers who use 200 MCF or greater on peak day;
- d. commercial interruptible;
- e. industrial firm customers who use less than 200 MCF on peak day;
- f. industrial firm customers who use 200 MCF or greater on peak day;
- g. industrial interruptible;
- h. other consumers firm;
- i. other consumers interruptible;
- j. own company use;
- k. unaccounted for gas;
- l. gas delivered to other utilities for sale, and
- m. total annual gas consumed in Minnesota (total a-1 should equal EA 305 A 5).

[d. Reporting years. The data required in 306 (a), (b) and (c) shall be supplied for the following years:

- (i) the last calendar year;
- (ii) the present calendar year;
- (iii) the year 5 years after the present calendar year;
- (iv) the year 10 years after the present calendar year;
- (v) the year 15 years after the present calendar year;

In 1975, data shall also be supplied for the year 1973.]

[(e) C. For the last calendar year [and for the year 1973,] historical data shall be supplied. [If recorded figures are not available, estimates shall be used and shall be identified as

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such.) For each other reporting year, the forecasts shall be made using the utility's or pipeline company's best estimate for each of the items requested. **The Agency recognizes 5 to 15 year forecasts can be difficult to calculate and subject to considerable error but utilities shall prepare these forecasts to the best of their ability and knowledge.** The forecasts shall be based on those assumptions and factors which the reporting utility [or] [pipeline company] deems most likely to occur. [The data for each reporting year shall be calculated by applying these factors to the data for the last calendar year for which actual data is available.] The assumptions and factors used in deriving the forecasts [in 306 (a), (b) and (c)] shall be stated in writing. Each utility [or pipeline company] shall evaluate the size of the estimating error, given the conditions and factors used in the estimate. Each utility [or pipeline company] shall comment on [probable] possible deviations from the [projection] forecast **and what factors might create such changes. Any utility required to file an extended forecast pursuant to rule EA 307 need not file forecast documentation required in rule EA 306 C.**

EA 307 Extended forecast and documentation.

A. The following utilities must file an extended forecast with documentation: Minnesota Gas Company, North Central Public Service Company, Northern States Power Company, and Peoples Natural Gas Company. Each utility required to file its extended forecast pursuant to rule EA 307 shall identify or estimate the demand for gas by ultimate consumer categories listed in rule EA 306 B 17 on the peak send-out day for each of the reporting years cited in rule EA 306 A.

B. Forecast documentation for rule EA 306 and 307 A.

1. Forecast methodology. Each utility may use whatever forecast methodology it believes is most appropriate for its Minnesota service area. However, those utilities required under rules EA 306 and 307 A to file forecasts shall describe the forecast methodology employed by providing the following documentation:

- a. the overall methodological framework used;
- b. the specific analytical techniques used, their purpose, and the component(s) of the forecast to which they have been applied;
- c. the manner in which these specific techniques are related in producing the forecast;
- d. where statistical techniques have been used, the purpose of the techniques, typical computations (e.g., computer printouts, formulas used), specifying variables and data and the results of appropriate statistical tests;

e. forecast confidence levels or ranges of accuracy for annual peak demand and annual gas consumption;

f. a brief analysis of the methodology used, including its strengths and weaknesses, its suitability to the utility's service area, cost considerations, data requirements, past accuracy and any other factors considered significant by the utility, and

g. an explanation of any discrepancies between the forecasts presented by the utility this year and in past years.

2. Data base for forecasts. The utility shall provide a written discussion of the data base used in arriving at the forecast presented in rules EA 306 and 307 A including:

a. a complete list of all data sets used in making the forecast, including a brief description of each data set and an explanation of how it was obtained, (e.g., monthly observations, billing data, consumer survey, etc.) or a citation to the source (e.g., population projection from the state demographer); and

b. a clear explanation of any adjustments made to raw data to adapt them for use in forecasts, including the nature of the adjustments, the reasons for the adjustments and the magnitude of the adjustments.

3. Assumptions and special information

a. Discussion. The utility shall discuss in writing each essential assumption made in preparing the forecasts, including the need for the assumption, the nature of the assumption, and the sensitivity of forecast results to variations in the essential assumption.

b. Subject of assumption. The utility shall discuss the assumptions made regarding the availability of alternative sources of energy, any expected conversion from other fuels to gas or vice versa, future prices of gas for customers in the utility's Minnesota service area and the effect that such price changes will likely have on demand, the assumptions made in arriving at any data requested in EA 306 or 307 A which are not available historically or not generated by the utility in preparing its own internal forecast, the effect of existing energy conservation programs under federal or state legislation or long-term gas demand, the projected effect of new conservation programs which the utility deems likely to occur through future state and federal legislation on long-term gas demand, and any other factor considered by the utility in preparing the forecast.

EA 308 Basic forecast and current statistics for in-

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terstate gas pipeline companies.

A. Each interstate pipeline company shall annually submit to the director for the last calendar year, the present calendar year and the subsequent 15 years actual data and forecasts of anticipated annual Minnesota service area consumption and supply of natural gas.

B. The basic forecast and current data shall contain the following data for each year cited in rule EA 308 A:

1. the annual sales to Minnesota ultimate consumers;

2. the annual sales to Minnesota gas utility distribution companies for resale;

3. the maximum one-day amount of gas that must be provided to the Minnesota service area to meet contractual obligations to the gas utilities served and the utility's own firm customers;

4. the actual historic data and a forecast of direct sales to ultimate customers in Minnesota and the number of such customers for each of the following categories:

a. residential firm;

b. commercial firm customers who use less than 200 MCF on peak day;

c. commercial firm customers who use 200 MCF or greater on peak day;

d. commercial interruptible;

e. industrial firm customers who use less than 200 MCF on peak day;

f. industrial firm customers who use 200 MCF or greater on peak day;

g. industrial interruptible;

h. other consumer firm;

i. other consumers interruptible;

j. own company use;

k. unaccounted for Minnesota gas;

l. gas delivered to other utilities for resale; and

m. total annual gas consumed in Minnesota (total of a - j).

C. In meeting the requirements of EA 306 A., historical data for the last calendar year shall be supplied. For each other reporting year the forecasts shall be made using the interstate pipeline company's best estimate for each of the items. The Agency recognizes 5 to 15 year forecasts can be difficult to calculate and subject to considerable error, but interstate pipeline companies should prepare these forecasts to the best of their ability and knowledge. The forecasts shall be based on those assumptions and factors which the reporting utility deems most likely to occur. The assumptions and factors used in deriving the forecasts shall be stated in writing. Each interstate pipeline company shall evaluate the size of estimating error possible given the conditions and factors used in the estimate. Each utility company shall comment on possible deviation from the forecast and what factors might create such changes.

EA 309 Facility requirements for gas utility companies.

[(a)] A. Present facilities. Each gas utility [and pipeline] [company] shall provide the following information with regard to [its] existing facilities serving its Minnesota [S]service [A]area as of January 1 of the current year:

[(i)] The name and geographic location of all gas delivery points or town border stations where a local [gas utility accepts ownership of gas from a pipeline company];

[(ii)] 1. The name and geographic location of all underground storage facilities for **natural gas**. [and] [liquefied natural gas, the total storage capacity, and type of storage facility, and maximum single day withdrawal capability of] **For each facility [;] include:**

a. the total storage capacity of the facility in MCF minus the required reserves of gas;

b. the actual volume of gas in storage in MCF at the beginning of last winter's heating season not including required reserves of gas;

c. the maximum single-day withdrawal capacity of the facility in MCF; and

d. the anticipated facility retirement date.

2. The name and geographic location of all liquefied natural gas facilities. For each facility include:

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

a. the total storage capacity of the facility in MCF of natural gas minus the required reserves;

b. the actual equivalent volume in MCF of natural gas in storage in the facility at the beginning of last winter's heating season minus the required reserves;

c. the maximum single-day withdrawal capacity of natural gas in MCF; and

d. the anticipated facility retirement data.

[(iii)] **3.** The name and geographic location of all substitute natural gas facilities. [and the following information about each] **For each facility include:**

[(aa)] the BTU content per cubic foot of substitute natural gas produced and the type of fuel that is converted to substitute natural gas;

[(bb)] annual production of substitute natural gas by the facility during the past calendar year;]

[(cc)] **a.** the maximum [annual] storage capacity [and refill capability] of the substitute natural gas facility in converted MCF of substitute natural gas;

b. the volume in storage at the beginning of last winter's heating season in MCF;

c. the maximum single-day production capacity in MCF that can be injected into the utility's pipeline;

[(dd)] maximum daily production of substitute natural gas by the facility during the past calendar year;

[(ee)] maximum daily production of substitute natural gas which the facility is capable of providing;

[(ff)] the total volume of substitute natural gas generated by the facility for non plant use during the last calendar year;

[(gg)] the annual estimated energy required to operate the substitute natural gas facility listed by type and quantity of each fuel during the last calendar year;]

[(hh)] **d.** the anticipated facility retirement year; and

e. the type of fuel to be converted to substitute natural gas.

[(iv)] **4.** A map, on which the general scale is indicated, of the utility's [or pipeline company's] Minnesota [S]service [A]area, identifying municipalities served, [utilities served, delivery points or town border stations,]

substitute natural gas facilities, underground **natural gas** storage facilities, **liquefied natural gas facilities**, [transmission lines and] major distribution lines, **interconnections with other utilities and delivery points with interstate pipeline companies.**

[(b)] **B.** Future facility requirements. Each utility [and pipeline company] shall estimate the additional facilities or additions to existing facilities necessary to meet the level of gas [use] **consumption** predicted in its forecast in EA 306. Each utility [and pipeline company] shall supply the following information [about new facilities, or substantial additions to existing facilities, which are currently in the planning stage]:

[(i)] Name and geographic location of all new gas delivery points or town border stations where a local utility will accept ownership of gas from a pipeline company;]

[(ii)] **1.** [T]the name and geographic location of all [planned for additional] **new** underground **natural gas** storage facilities or additions to existing facilities. [for either gas or liquid natural gas, the total storage capacity, the type of storage facility, and maximum single day withdrawal capability of each storage facility.] **For each facility include:**

a. the anticipated year and month the facility will be ready for operation;

b. the estimated storage capacity of the new facility in MCF minus necessary reserves that must be kept in storage;

c. the estimated actual storage in MCF of the volume that will be available for usage at the beginning of each heating season. This figure should not include necessary reserves of gas; and

d. the maximum single-day withdrawal capacity of the proposed facility.

2. The name and geographic location of all new **liquefied natural gas** storage facilities or additions to existing facilities. **For each facility include:**

a. the anticipated year and month the facility will be ready for operation;

b. the estimated storage capacity in converted MCF of natural gas of the new facility minus reserves that must be kept in storage;

c. the estimated actual storage in converted MCF of natural gas that will be available at the beginning of each heating season when the facility is in operation; and

PROPOSED RULES

d. the maximum single-day withdrawal capacity of the proposed facility.

[(iii)] 3. The name and geographic location of all new substitute natural gas facilities or additions to existing facilities. [and the following information about each.] **For each facility include:**

[(aa)] a. [T]the type of fuel which will be converted to substitute natural gas [and the BTU content per cubic foot of the substitute natural gas produced];

[(gg)] b. [T]the month and year in which the plant is predicted to begin operation;

[(bb) The annual production capability of substitute natural gas by the facility;

(cc) The anticipated annual production of substitute natural gas by the facility;]

c. the storage capability of the facility in converted MCF of substitute natural gas;

[(dd) The maximum daily production capability of substitute natural gas by the facility;]

d. the estimated actual storage in converted MCF of substitute natural gas that will be available for use at the beginning of each heating season when plant begins operation; and

[(ee) The anticipated actual maximum daily production of substitute natural gas by the facility;]

e. the maximum daily volume of substitute natural gas that can be produced by the facility and injected into the utility's system.

[(ff) The year in which construction is predicted to begin;

(hh) Estimated cost of the new facility or addition at the time of construction;

(ii) Estimated annual consumption of fuels in the operation of the facility and the estimated annual consumption of fuels for conversion into substitute natural gas;]

[(iv) Any additional utilities which a pipeline company expects to serve or any which the company expects to stop serving;

(v) Any additional municipalities or geographic areas outside the utility's current service area which it expects to serve;

(vi) A map of any additional transmission lines in the state which a pipeline company plans to build;

(vii) A map of any additional major distribution line which a utility plans to build;]

[(c) Fuel requirements and generation by fuel type;

(i) Based on the data reported under EA 307 (a) and (b), each utility and pipeline company shall report the quantity and type of fuels used in Minnesota to produce substitute natural gas during the past calendar year and the amount of substitute natural gas generated from each fuel type during the past calendar year. In 1975, the information required by this section shall also be reported for the calendar year 1973;

(ii) Each utility and pipeline company shall estimate the quantities and types of fuels which will be necessary for use by its substitute natural gas facilities in Minnesota in order provide for the gas usage predicted by the forecasts required in EA 306. Each gas utility and pipeline company shall estimate by fuel type the volume of substitute natural gas facilities. In preparing such estimates, each utility shall consider increases in fuel use by existing facilities and possible conversions between fuel types.]

4. Based on the 15 year-forecast provide a Minnesota service area map identifying future major distribution lines, natural gas storage facilities, liquid natural gas storage facilities, substitute natural gas storage facilities, additional municipalities to be served, additional interconnections with other utilities and any additional gas delivery points from interstate natural gas pipeline companies.

EA 310 Facility requirements for interstate pipeline companies.

A. Present facilities. Each interstate pipeline company shall provide the following information with regard to existing facilities serving its Minnesota service area as of January 1 of the current year:

1. the name and geographic location of all underground storage facilities owned by the interstate pipeline company in Minnesota. For each facility include:

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a. the total storage capacity in MCF of the facility minus the required reserves of gas;

b. the actual volume of gas in storage in MCF at the beginning of the last winter heating season, not including required reserves of gas;

c. the maximum single day withdrawal capacity of the facility in MCF; and

d. the anticipated facility retirement date.

2. the name and geographic location of all liquified natural gas facilities. For each facility include:

a. the total storage capacity of the facility in MCF of natural gas minus required reserves;

b. the actual volume of natural gas in MCF in storage at the beginning of last winter's heating season minus the required reserves;

c. the maximum single day withdrawal capacity in MCF of natural gas; and

d. the anticipated facility retirement date.

3. the name and geographic location of all substitute natural gas facilities. For each facility include:

a. the maximum storage capacity of the facility in MCF of converted substitute natural gas;

b. the maximum volume in storage in converted MCF of substitute natural gas at the beginning of last winter's heating season;

c. the maximum single day withdrawal capacity of the facility in MCF that can be injected into the pipeline;

d. the anticipated date of facility retirement; and

e. the type of fuel to be converted to substitute natural gas.

4. a map, on which the general scale is indicated, of the utility's Minnesota service area identifying distribution utility companies served, underground natural gas storage facilities, underground liquid natural gas facilities, substitute natural gas facilities, major transmission lines, and interconnection with other interstate pipeline companies.

B. Future facility requirements. Each interstate pipeline company shall estimate the additional facilities or additions to existing facilities necessary to meet the

level of gas consumption predicted in its forecast in EA 307. Each interstate pipeline company shall supply the following information:

1. the name and geographic location of all new underground natural gas storage facilities or additions to existing facilities. For each facility include:

a. the anticipated year and month the facility will be in operation;

b. the estimated storage capacity in MCF of the new facility minus necessary reserves of gas;

c. the estimated actual storage in MCF that will be available for usage at the beginning of each heating season, not including necessary reserves of gas; and

d. the maximum single-day withdrawal capacity of the proposed facility.

2. the name and geographic location of all new underground liquified natural gas storage facilities or additions to existing facilities. For each facility include:

a. the anticipated year and month the facility will be ready for operation;

b. the estimated storage capacity in converted MCF of natural gas of the new facility minus any necessary reserves that must be kept in storage;

c. the estimated actual storage in converted MCF of natural gas that will be available at the beginning of each heating season when the facility is in operation, not including necessary reserves that must be kept in storage; and

d. the maximum single-day withdrawal capacity of the proposed facility in converted MCF of natural gas.

3. the name and geographic location of all new substitute natural gas facilities or additions to existing facilities. For each facility include:

a. the type of fuel which is to be converted into substitute natural gas;

b. the month and year in which the plant is predicted to begin operation;

c. the theoretical storage capability of the facility in MCF of converted substitute natural gas;

d. the estimated actual storage in converted MCF of substitute natural gas that will be available at

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the beginning of each heating season not including required reserves; and

e. the maximum daily volume of substitute natural gas in MCF that will be available to be withdrawn from the facility and injected into the pipeline.

4. based on your 15-year forecast, provide a Minnesota service area map identifying future transmission lines, natural gas storage facilities, liquefied natural gas storage facilities, substitute natural gas storage facilities, any additional distribution utility companies to be served and any additional interconnections with other interstate natural gas pipeline companies.

EA 311 Quarterly disposition of gas by utilities.

[(a)] Beginning in the year 1976, all utilities shall report quarterly the monthly volume of gas delivered to ultimate consumers, broken down by customer class[/] and geographic area [combination].

[(i)] A. Geographic areas shall be defined by [customer zip] [code] county;

[(ii)] B. Customer class shall be defined by standard industrial classification (SIC) codes [with extensions for more detailed breakdowns of households and governmental units];

[(iii)] C. In each customer class[/] and geographic area combination, the utility [or pipeline company] shall report the number of customers and the total gas volume consumed;

D. Said information shall be in the form determined by the director. Upon written application, the director may allow a utility to report said information in a different form.

[(b)] The director may, after an evaluation of the data availability, level of automation and homogeneity of accounts of a utility, require any utility to report the information required by this section for the 3rd and 4th quarters of 1975. Third quarter statistics for such gas utilities shall be filed by October 31, 1975. No utility shall be required to report in 1975 unless it has been notified in writing by the director of its obligation 30 days prior to the reporting date.

(c) During the year 1975, Bureau of Mines form 6-1340 A for Minnesota Gas Utilities servicing Minnesota, or its equivalent shall provide the basis for reporting the disposition of gas in Minnesota. The disposition categories for Minnesota shall be defined as follows:]

[(i)] Delivered directly to:

(aa) Residential. This category shall include gas used in private household for heating, cooking and other household uses;

(bb) Commercial. This category shall include gas used by non-manufacturing establishments such as hotels, restaurants, retail stores, laundries, and other service enterprises. This category shall include agriculture, forestry and fisheries, and the utility shall provide a separate breakdown of total gas used by agriculture, forestry and fisheries;

(cc) Industrial. This category shall include gas used in manufacturing and mining establishments for heat and power;

(dd) Electric utilities. This category shall include gas used as fuel in electric utility plants including those operated by the utility;

(ee) Other consumers. This category shall include direct deliveries to all other consumers not reported in categories (aa) through (dd). This category shall include deliveries to municipalities and government agencies for use in schools, institutions, street lighting, etc. The utility shall provide a separate breakdown of the total volume of gas used by governmental units.

(ii) Own company use. This category shall include all gas used by the company;

(iii) The gas placed in underground storage;

(iv) The gas withdrawn from underground storage;

(v) Unaccounted for. This category shall include all gas otherwise unaccounted for;

(vi) Total disposition. This figure shall consist of the sum of (i) + (ii) + (iii) + (v) - (iv). Each utility shall explain in writing any significant deviation in its customer assignments which would affect the delivery figures reported under this section. Data for 1975 shall be reported to the agency within 10 days after form 6-1340 A or its equivalent has been filed with the Bureau of Mines.

(d) In 1975, any utility which files a Bureau of Mines form 6-1340 A or its equivalent shall submit copies of such forms for its Minnesota Service Area for the years 1965 to 1974 to the director by July 1, 1975. If the actual data for its Minnesota Service Area is not available, estimates of the

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PROPOSED RULES

data provided on these forms shall be provided for the years 1965-1974.

(e) Each pipeline company shall provide semi-annually the data equivalent to that reported on FPC form 17 within 10 days after it is provided to the Federal Power Commission.]

EA 312 Disposition of gas by interstate pipeline companies. Each interstate pipeline company shall file a copy of its annual FPC forms 2 and 17 with the Agency.

EA [309] 313 Other information to be reported by gas utilities.

Each utility shall provide the following information:

A. A bar graph for the last calendar year that illustrates monthly sales to ultimate customers indicating the percentage sales to firm customers and interruptible customers for each month.

[(a)] **B. An annual load curve [profile] for the last calendar year consisting of a single graph indicating [of] the total monthly consumption of gas in the following classifications:**

- [(i)] **1. [Firm] residential firm;**
- [(ii)] **2. [Firm] commercial industrial firm;**
- [(iii)] **3. [S]small volume interruptible;**
- [(iv)] **4. [L]large volume interruptible;**
- [(v)] **5. [E]electric generation;**
- [(vi)] **6. [G]gas to storage;**
- [(vii)] **7. [O]other dispositions and losses; and**
- [(viii)] **8. [L]level of contract demand;**

C. Any additional municipalities or geographic areas outside the utility's current service area which it expects to serve and the year when service will begin.

[(b) Supply available to Minnesota firm contract customers. Each utility shall provide:

- (i) The peak day gas requirements for firm customers for each of the last 5 years;
- (ii) The peak day gas sent out for each of the last five years;
- (iii) The design day availability for each of the last 5 years;

(iv) An estimate of peak day gas requirements for firm contract customers for the next two five winter heating seasons;

(v) Design day availability for the next two five winter heating seasons.

(c) Customer phaseouts and curtailments. Each gas utility shall provide:]

[(i)] **D. A list of [firm, interruptible, or peak, or seasonal] customers who will be curtailed [and a list of any customers who will be] or completely phased out in the five years following the year of filing;**

[(ii) An estimate of the annual volume of gas that will be made available for other purposes by the curtailment and phase out of the customers listed in EA 309 (c) (i) for each of the five years following year of filing;

[(iii) A general priority list of gas cutbacks in case a severe curtailment or phase out is required due to a deficiency in gas supply and a description of the criteria used in preparing the list.

(d) Firm interruptible, and off peak customers. Each utility shall provide the following information concerning its direct sales customers:

(i) The number of firm contract customers for each of the past five years and the total volume of gas sold to them during each year;]

[(ii) The number of interruptible contract customers for each of the past five years and the total volume of gas sold to them during each year;

(iii) The number of off peak contract customers for each of the past five years and the total volume of gas sold to them during each year;]

[(iv)] **E. The criteria used to determine the classification of a customer as a firm, or interruptible [or off peak] customer;**

F. Its total sales in MCF to ultimate customers by county for the last calendar year;

G. [Each gas utility company shall provide a] A list of [its 25 largest users and the volume each consumed during the past calendar year] all end-use customers and their addresses who have gas requirements in excess of 200 MCF on their peak day each year and a list of all small volume interruptible users and any other end user who consumes in excess of 6,000 MCF annually. For each end-use customer so identified list the volume of gas consumed during the last calendar year, the alternative fuel

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used, peak day demand, boiler requirements in MCF, curtailment priority rank; and

H. A copy for the last calendar year of its Bureau of Mines reporting form 6-1340A or equivalent. The Agency may require any utility to provide copies of form 6-1340A or its equivalent for any year back to 1960.

I. The terms, conditions and length of any contract the utility has to sell or buy substitute natural gas, stored liquid natural gas, or natural gas held in underground storage with any other utility or pipeline company.

EA 314 Other information to be reported by interstate pipeline companies

A. Each interstate pipeline company shall provide a list of ultimate consumers who will be curtailed or completely phased out in the five years following the year of filing.

B. Each interstate pipeline company shall provide its Minnesota sales to ultimate consumers by county for the last calendar year.

C. Each interstate pipeline company shall provide a list of all Minnesota end-use customers who have gas requirements in excess of 200 MCF of gas on their peak day each year and a list of all small volume interruptible users and any other end user who consumes in excess of 6,000 MCF of gas annually. For each end-use customer so identified list the volume of gas consumed during the past year, the alternate fuel used, peak day demand, and boiler requirements in MCF.

EA [310] **315** Corrections. Corrections of a substantial nature to any report or statement which pertain to historical data and not forecasts shall be filed with the Agency within 10 days following the date of the event prompting the change in reported information or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph of the information to be changed or corrected.

EA [311] **316** Federal or state data substitution for energy agency data requirements. **Upon written request by any utility,** [T]the director may allow [any utility] **it** to substitute data provided to the federal government or another state agency in lieu of data required by these regulations if the data required by both agencies is substantially the same.

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OFFICIAL NOTICES

Department of Transportation

Notice of Contested Case Hearing on the Application of Cargill Incorporated for a Lateral and Vertical Clearance Variance for a Telescope Filling Tube at Its Facility in Alberta, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on June 14, 1977 at 9:00 A.M., at the Offices of the Department of Transportation, Room B-9 Transportation Building; Saint Paul, Minnesota 55155.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8113) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.47 all parties and potential parties of interest are given an opportunity to be heard on the application of Cargill, Incorporated which states:

“Cargill and the Burlington Northern, Inc. (hereinafter referred to as “BN”) have entered into an Agreement wherein BN has agreed to grant Cargill a license to construct a new elevator along with loading platform and loading spouts upon BN’s property adjacent to trackage at Alberta, Minnesota. Said Agreement, however, is subject to Cargill’s securing approval from the State of Minnesota for variance from the clearance regulations relating to such trackage. The elevator is located on the exclusive siding of the BN with the loading platform within the required limits of the statute, however, when extended the loading platform will infringe upon the distance specifications described by statute, as well as the extension of the telescoping spout upper and lower will also infringe into the distance specifications described by statute. It is for this reason we hereby apply for variance from the State’s Clearance Regulations.”

The above cited procedural rules are available at the

Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advanced notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: June 14, 1977

Name and Telephone Number of Hearing Examiner:

Richard DeLong
1745 University Avenue
Saint Paul, Minnesota 55104
296-8113

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party’s Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Notice of Contested Case Hearing on the Application of Cargill Incorporated for a Lateral and Vertical Clearance Variance for a Telescope Filling Tube at Its Facility in Danvers, Minnesota

OFFICIAL NOTICES

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on June 14, 1977 at 1:00 P.M., at the Offices of the Department of Transportation, Room B-9 Transportation Building; Saint Paul, Minnesota 55155.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8113), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.47 all parties and potential parties of interest are given an opportunity to be heard on the application of Cargill, Incorporated which states:

“Cargill and the Burlington Northern, Inc. (hereinafter referred to as “BN”) have entered into an Agreement wherein BN has agreed to grant Cargill a license to construct a new elevator along with loading platform and loading spouts upon BN’s property adjacent to trackage at Danvers, Minnesota. Said Agreement, however, is subject to Cargill’s securing approval from the State of Minnesota for variance from the clearance regulations relating to such trackage. The elevator is located on the exclusive siding of the BN with the loading platform within the required limits of the statute, however, when extended the loading platform will infringe upon the distance specifications described by statute, as well as the extension of the telescoping spout upper and lower will also infringe into the distance specifications described by statute. It is for this reason we hereby apply for variance from the State’s Clearance Regulations.”

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence

bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: June 14, 1977

Name and Telephone Number of Hearing Examiner:

Richard DeLong
1745 University Avenue
Saint Paul, Minnesota 55104
296-8113

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party’s Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Notice of Contested Case Hearing on the Application of Cargill Incorporated for a Lateral and Vertical Clearance Variance for a Telescope Filling Tube at Its Facility in Graceville, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on June 14, 1977 at 10:30 A.M., at the Offices of the Department of Transportation, Room B-9 Transportation Building; Saint Paul, Minnesota 55155.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104

OFFICIAL NOTICES

(Telephone: 612-296-8113) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.47 all parties and potential parties of interest are given an opportunity to be heard on the application of Cargill, Incorporated which states:

“Cargill and the Burlington Northern, Inc. (hereinafter referred to as “BN”) have entered into an Agreement wherein BN has agreed to grant Cargill a license to construct a new elevator along with loading platform and loading spouts upon BN’s property adjacent to trackage at Graceville, Minnesota. Said Agreement, however, is subject to Cargill’s securing approval from the State of Minnesota for variance from the clearance regulations relating to such trackage. The elevator is located on the exclusive siding of the BN with the loading platform within the required limits of the statute, however, when extended the loading platform will infringe upon the distance specifications described by statute, as well as the extension of the telescoping spout upper and lower will also infringe into the distance specifications described by statute. It is for this reason we hereby apply for variance from the State’s Clearance Regulations.”

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing

Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: June 14, 1977

Name and Telephone Number of Hearing Examiner:
Richard DeLong
1745 University Avenue
Saint Paul, Minnesota 55104
296-8113

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party’s Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Notice of Contested Case Hearing on the Petition of Chicago and Northwestern Transportation Company for Authority to Retire and Remove 2,339 Feet of Track with Four Turnouts, Located at Hopkins, Minnesota

It is hereby ordered, and notice is hereby given that the contested case hearing concerning the above-entitled matter will be held on June 15, 1977 at 10:00 A.M., at the offices of the Department of Transportation, Room B-9, Transportation Building, Saint Paul, Minnesota.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104

OFFICIAL NOTICES

(Telephone: 612-296-8113), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure under the provisions of Minn. Stat. §§ 219.681 and 219.741 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement and removal of 2,339 feet of track including four turnouts, located at Hopkins, Minnesota between 5th Avenue and 10th Avenue and parallel-ling Second Street South.

The petition recites, among other matters, that the subject track is no longer needed for rail transportation service and constitutes a continuing and burdensome maintenance expense.

All parties are advised that if a party intends to appear at the hearing scheduled for June 15, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. Should a party fail to appear at the hearing, the allegations made may be taken as true.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: June 15, 1977

Name and Telephone Number of Hearing Examiner:
Richard DeLong
1745 University Avenue
Saint Paul, Minnesota 55104
296-8113

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Notice of Contested Case Hearing on the Petition of the Chicago and Northwestern Transportation Company for Authority to Retire and Remove 3,168 Feet of Former Chicago Great Western Track Located at South St. Paul, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on June 16, 1977 at 10:00 A.M., at the offices of the Department of Transportation, Room B-9, Transportation Building, Saint Paul, Minnesota.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8113), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concerning the issues raised in this Order or concern-

OFFICIAL NOTICES

ing informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure under the provisions of Minn. Stat. §§ 219.681 and 219.741 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement and removal of 3,168 feet of track, including 1,970 feet of ICC Track No. 102, and 650 feet of ICC Track No. 53, and bounded on the north by Swift Avenue, on the south by Armour Avenue, on the east by the Mississippi River, and on the west by Concord Street, located at South St. Paul, Minnesota.

The petition recites among other matters that the subject tracks are no longer needed for rail transportation service, and constitute a continuing and burdensome maintenance problem and expense; and that there is no prospect that the subject trackage will be needed in the future.

All parties are advised that if a party intends to appear at the hearing scheduled for June 16, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. Should a party fail to appear at the hearing, the allegations made may be taken as true.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing

Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: June 16, 1977

Name and Telephone Number of Hearing Examiner:
Richard DeLong
1745 University Avenue
Saint Paul, Minnesota 55104
296-8113

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Water Resources Board

Notice of Hearing on the Sand Hill River Watershed

The Minnesota Water Resources Board has ordered a hearing on the adopted Overall Plan of the Sand Hill River Watershed District. The hearing will be held on June 9, 1977, at 9:30 A.M., in City Hall, Fertile, Minnesota. The Board's Notice of Hearing will be published in the Mahnomen Pioneer, Mahnomen; Norman County Index, Ada; and the Crookston Daily Times, Crookston; during the weeks of May 16th and May 23rd, 1977.

EQC MONITOR

Minnesota Environmental Quality Council, 550 Cedar Street, St. Paul, MN., (612) 296-2723

Environmental Quality Council

Actions Taken at the May 10, 1977 EQC Meeting

1. Passed resolution extending to January 1, 1979 the deadline for local units of government to submit Critical Area Plans and Regulations (Twin City Corridor of Mississippi River) to the Metropolitan Council and EQC.

2. Authorized Chairman Vanderpoel to sign a Memorandum of Understanding with the Department of Natural Resources (DNR) and the cities of Dayton and Ramsey to resolve difficulties created by overlap of DNR's Wild and Scenic River Program and EQC's Critical Area Program.

3. Authorized the Chairman to sign Memorandum of Understanding with the Minnesota Department of Transportation exempting certain routine maintenance projects from the Critical Area review process.

4. Rescinded resolution ordering preparation of an Environmental Assessment (EA) on Hooley Planned Unit Development near Stillwater since proposer has withdrawn from project.

5. Rescinded resolution ordering preparation of an EA on Bluffview Labs swine confinement facility in Elgin Township since proposer has withdrawn permit application to Minnesota Pollution Control Agency (MPCA).

6. Determined Environmental Assessment Worksheet (EAW) adequate on Balsam Acres project in Cass County and found no Environmental Impact Statement (EIS) is required.

7. Found Final EIS adequate on MP&L-TR-1A high voltage transmission line (HVTL) from Kettle River to Forbes.

8. Determined to review Final EIS on Northern (formerly Minnesota) Pipeline from Patoka, Illinois to Pine Bend.

9. Determined not to review Final EIS on Dayton-Hudson proposed Wooddale Shopping Center in Woodbury.

10. Denied petition for an EIS on Oneota Industrial Park in Duluth and determined no EAW be prepared.

11. In response to petition, ordered EAW prepared on Renville County Ditch #146 and designated Renville County responsible agency.

12. In the matter of MP&L-TR-1A (HVTL from Kettle River to Forbes), accepted the Citizens Route Evaluation Committee (CREC) report, adopted findings designating the CREC preferred route and issued a Construction Permit.

13. Granted Minnesota Power and Light (MP&L) and Northern States Power (NSP) a minor route alteration near Hinckley in Pine County.

14. Approved an exemption from the Power Plant Siting Act for construction of United Power Association (UPA) Bunker Lake substation.

15. Accepted NSP application for Minor Route Alteration and Corridor in Roseau County.

16. Withdrew EIS order on Mankato Beltline since Blue Earth County has determined it will not proceed with project.

17. Passed resolution clarifying intent of April 11 action that freestanding single shaft steel poles be used in cropland traversed by Cooperative Power Association-United Power Association HVTL from Delano to Mankato.

18. Authorized Chairman to arrange hearing procedure in the matter of whether or not an EIS is required on the Summit Avenue duplex project.

Notice of Hearing on the Need for an Environmental Impact Statement for the Proposed Duplexes on Summit Avenue

It is hereby ordered, and notice is hereby given, that a contested case hearing concerning the above-entitled matter will be held on June 6, 1977, in the Office of Hearing Examiners Hearing Room, Room 300, 1745 University Avenue, St. Paul commencing at 9:00 a.m.

Pursuant to Minnesota Code of Agency Rules (MCAR) HE 204(b), the Chief Hearing Examiner has waived the requirement that the order for hearing be served at least 30 days prior to the hearing.

The hearing will be held before William Seltzer, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, (296-8105), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concern-

ing the issues raised in this Order or concerning information disposition or discovery may be directed to Special Assistant Attorney General William Dorigan, Room 303, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (296-3304).

The hearing will address whether an Environmental Impact Statement is needed on the proposed duplexes at 362-364 Summit Avenue in St. Paul, pursuant to Minn. Stat. § 116D (1974) and MEQC 21-41. Pursuant to MEQC 24 B.2, the Minnesota Historical Society prepared an Environmental Assessment Worksheet on the above-entitled matter and, pursuant to MEQC 27 C, filed an EIS Preparation Notice with the Minnesota Environmental Quality Council (EQC). The EIS Preparation Notice was published in the EQC Monitor on April 18, 1977, commencing a 30-day review period of the decision. On May 5, 1977, the attorney for Malcolm Lein, project proposer, filed an objection to the decision that an EIS is needed on the above-entitled matter.

All parties are advised that no factual information or evidence, except tax returns and tax reports, which is not part of the hearing record shall be considered by the Hearing Examiner or the MEQC in the determination of the above-entitled contested case. Failure to appear at this hearing on the part of any party may prejudice such party's rights and result in an adverse determination of this matter. Since the hearing will be held less than 30 days after commencement of this contested case, the Chief Hearing Examiner has indicated that parties need not file Notices of Appearance prior to the hearing.

The identified parties to this contested case are Malcolm Lein, the Minnesota Historical Society and the Ramsey Hill Association. **Any other person desiring to intervene as a party must formally petition the Hearing Examiner before 4:30 p.m. on May 26, 1977.** A copy of the petition must also be served upon all existing parties.

The above cited procedural rules are available for review at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, St. Paul, Minnesota 55155, (296-2874). They provide generally for the procedural rights of the parties, including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

Peter Vanderpoel
Chairman

Notice of Corridor Application and Minor Route Alteration for the Northern States Power Company 500 Kilovolt Power Line in Roseau County

On May 10, 1977 the Minnesota Environmental Quality Council (EQC) received an application from Northern States Power Company (NSP) for a Certificate of Corridor Compatibility and a minor route alteration, both in Roseau County.

This application is a proposal to modify the route designated on February 8, 1977 for the 500 kV power line from Canada to Forbes, Minnesota. The requested modification would be located south of the International border, specifically in T164N, R38W; T164N, R37W; T163N, R38W; and T163N, R37W.

Two new routes for this segment of the line have been proposed. One is outside the corridor in which routes must be located. Consequently, NSP must apply for a corridor to accommodate this route change.

NSP is seeking a route change for two reasons:

1. The construction permit granted to NSP ordered NSP to apply for a route alteration to consider new information not available during hearings;
2. Manitoba Hydro, which will build the line in Canada, has asked NSP to investigate a new border crossing to avoid agricultural land near the border in Manitoba.

The new border crossing is about one mile west of the route presently designated.

There are two ways NSP has proposed to reach the new border crossing: the west alternate and the east alternate. The east alternate requires a change in the presently designated corridor while the west alternate requires only a minor alteration of the route. A public hearing will be held to consider these route proposals on June 15, 1977, at 7:30 p.m. in the Warroad High School Multi-Purpose Room. (See hearing notice below)

Copies of the application and maps have been distributed to the following locations for the public to review: The Warroad Public Library, the Roseau County Planning and Zoning Administrator, the Region One Development Commission Office in Crookston, mayors of Roseau and Warroad and the EQC Office in St. Paul. Questions concerning this project may be directed to: George Durfee, 612/296-2878, Environmental Quality Council, 550 Cedar Street, Room 100, St. Paul, Minnesota, 55101.

Notice of Informational Meeting and Public Hearing on the Application by NSP for a Certificate of Corridor Compatibility and a Route Alteration for a High Voltage Transmission Line

Notice is hereby given that a public hearing will be held on the above-entitled matter, pursuant to Minn. Stat. § 116C.57 (1974), commencing in Warroad, Minnesota, in the Warroad High School Multi-Purpose Room on June 15, 1977 at 8:00 p.m. An informational meeting will be held beginning at 7:30 p.m. The hearing will continue until all interested persons, representatives or organizations have had an opportunity to be heard by presenting oral or written data, statements or comments or by presenting witnesses. All testimony will be sworn, and questions on the testimony will be permitted.

The issue on which testimony will be accepted is the minor corridor change proposed by Northern States Power Co. for the 500 kilovolt high voltage transmission line in northern Roseau County. This corridor is proposed to allow consideration of a new route segment as required in the Construction Permit for this line. The Construction Permit was issued by the Environmental Quality Council (EQC) on February 8, 1977. The proposed corridor change and route alteration are located in Township 163N, Range 38W; Township 163N, Range 37W; Township 164N, Range 38W; Township 164N, Range 37W.

Copies of the application are available for review at the public library in Warroad, the Roseau County Planning and Zoning Administrator's Office in Roseau, the Region One Development Commission Office in Crookston, and the EQC office in St. Paul.

Peter Vanderpoel
Chairman

Natural Resource Permit Applications

Itasca County

The following 11 parcels of timber will be offered for sale by public auction by the Minnesota Department of Natural Resources on August 2, 1977 at the Community Hall in Big Fork, Minnesota.

Harvest of 158 acres of aspen in NE NE, S½ NE, N½ SE, S½ SE, Sec. 36, R22W, Twp. 62N, Itasca County. The harvest will regenerate naturally.

Harvest of 38 acres of overmature timber in Lot 7, Lot 8 and SW SW, Sec. 11, R23W, Twp. 61N, Itasca County. The harvest area will regenerate naturally.

Harvest of 80 acres of aspen in NW NE, SW NE, NE NW, SE NW, NE SW, SE SW, and SW SE, Sec. 25, R23W, Twp. 61N, Itasca County. The harvest area will regenerate naturally.

Harvest of 49 acres of overmature aspen, Balm-of-Gilead and mature balsam in N½ SE and SE SE, Sec. 14, R23W, Twp. 62N, Itasca County. The harvest area will regenerate naturally.

Harvest of 15 acres of overmature aspen and Jack Pine in SW SE, Sec. 3, R24W, Twp. 59N, Itasca County. The aspen area will regenerate naturally; the Jack Pine area will be planted to Norway Pine if natural regeneration is not adequate.

Harvest of 29 acres of mature aspen and overmature Jack Pine in Lot 7, Sec. 16 and NW NE, Sec. 21, R24W, Twp. 59N, Itasca County. The Jack Pine area will be planted and the aspen area will regenerate naturally.

Harvest of 28 acres of mature and overmature aspen, Jack Pine, and spruce in SE SW, Sec. 20 and NE NW, SW NW Sec. 29, R24W, Twp. 60N, Itasca County. Natural regeneration is expected.

Harvest of 64 acres of aspen, birch and balsam fir in NW NE, SW NE, SE SW, NE SE, NW SE, SW SE, Sec. 10, R24W, Twp. 61N, Itasca County. The aspen area will regenerate naturally and the remainder of the area will be planted to pine.

Harvest of 56 acres of mature aspen, balsam fir and White Spruce in Lot 1, Lot 2, SE NW, SW NE, NE NE, SE NE, Sec. 36, R24W, Twp. 61N, Itasca County. A portion of the area will be planted; the remainder will regenerate naturally.

Harvest of 73 acres of aspen and balsam fir (overmature) in NW NW Sec. 15 and Lot 1, SW NE, SE NE, Sec. 16, R25W, Itasca County. The harvest area will regenerate naturally.

Harvest of 47 acres of aspen in NW SE, SW SE, Sec. 36, R26W, Twp. 59N, Itasca County. The harvest area will regenerate naturally.

No Environmental Assessment Worksheet (EAW) preparation is anticipated.

Comments and requests for additional information on this project should be submitted by June 22, 1977 to:

Joe Fabisch
Regional Forest Supervisor
Minn. Dept. of Natural Resources
Box 220
Cloquet, Minnesota 55720
(218) 879-4544

Carver County

Name of Permit: Construction and Operation of Liquid Storage Facility

Applicant: Cooperative Power Association

Project Location: Watertown Township, Carver County, NW ¼ Sec. 34 R25W, Twp. 117N.

Project Description: Construction of a 921,000 gallon fuel oil tank and dike to provide containment in the event of a spill.

No Environmental Assessment Worksheet (EAW) preparation is anticipated.

Comments and request for additional information on this project should be submitted by June 22, 1977 to:

Abner M. Fisch
Minnesota Pollution Control Agency
1935 W. County Rd. B-2
Roseville, MN 55113
(612) 296-7389

Carver County

Name of Permit: Installation Permit

Applicant: Cooperative Power Association

Project Location: Watertown, Carver County, NW ¼, Sec. 34, R25W, Twp. 117N

Project Description: Installation of a combustion turbine generator to provide electricity during periods of peak electrical demand.

No Environmental Assessment Worksheet (EAW) preparation is anticipated.

Comments and requests for additional information on this project should be submitted by June 22, 1977 to:

Richard D. Starn
Minnesota Pollution Control Agency, DAQ
1935 W. County Rd. B-2
Roseville, MN 55113
(612) 296-7276

Grant County

Name of Permit: Construction and Operation of Liquid Storage Facility

Applicant: Marshall Gevik

Project Location: Hoffman, Grant County, SE¼, Sec. 11, R41W, Twp. 127N

Project Description: Diking to completely surround four 17,000 gallon petroleum storage tanks with sufficient containment for one tank plus one foot of freeboard. The containment area has an adequate seal of one foot of compacted clay.

No Environmental Assessment Worksheet (EAW) is anticipated.

Comments and requests for additional information on this project should be submitted by June 22, 1977 to:

Donald K. Perwien
Minnesota Pollution Control Agency
1935 W. County Rd. B-2
Roseville, MN 55113
(612) 296-7329

Negative Declaration (No EIS)

Westminster Residential Development in Hennepin County

The Environmental Assessment Worksheet (EAW) listed below has been filed with the EQC. The EAW determined that an EIS is not needed on this project because it is not a major action and does not have the potential for significant environmental effects. **No EIS will be required on this project unless objections are filed with the EQC by June 22, 1977.** MEQC Rule 28B indicates the procedures for filing objections to a Negative Declaration.

Proposer: B-T Land Company

Responsible Agency: City of Plymouth

Project Description: Excavation, sewer, water, storm sewer, streets, and curb improvements for 56 single family lots

Project Location: Sec. 22, 23, R22W, Twp. 118, Plymouth, Hennepin County

Copies of the EAW and supporting documentation are on file for public review from 8 a.m. to 5 p.m., Monday-Friday at:

3025 Harbor Lane
Plymouth, Mn 55441
(612) 559-2800

For further information on this EAW contact Charles E. Dillerud, City of Plymouth at the above address and telephone number.

Draft EIS Completions

Packer River Terminal, Inc. Proposed Barge Terminal Expansion in South St. Paul, Dakota County

The EQC has received from the U.S. Army Corps of Engineers the Draft Environmental Impact Statement (EIS) on the Packer River Terminal, Inc. proposed barge terminal expansion in South St. Paul, Dakota County.

The proposed activity involves filling approximately 22 acres of wetlands to increase the capacity of the existing terminal to store and handle an estimated additional 635,000 tons of commodities per year.

For further information on this Draft EIS contact:

St. Paul District, Corps of Engineers
1135 U.S. Post Office and Custom House
St. Paul, MN 55101
(612) 725-7505

Proposed Asphalt Mixing Plant in Red Rock Industrial District, St. Paul

The St. Paul Port Authority has submitted to the EQC the Draft Environmental Impact Statement (EIS) on Barton Enterprises' proposed drum asphalt plant in the Red Rock Industrial District in St. Paul.

The proposed asphalt plant would be located on a 15 acre site and would utilize 3-4 acres. The remaining portion of the site would accommodate the Barton Tank Farm consisting of six petroleum fuel storage tanks with total storage capacity of approximately 21 million gallons.

A public informational meeting regarding this Draft EIS will be held in the Council Chambers of the City of St. Paul on Friday, June 10, 1977 at 3:00 p.m.

For further information on this Draft EIS contact:

John Sanger
Brauer & Associates
6440 Flying Cloud Drive
Eden Prairie, MN 55343
(612) 941-1660

or
Robert F. Sprafka
Executive Vice President
Port Authority of St. Paul
330 Minnesota Bldg.
4th and Cedar Sts.
St. Paul, MN 55101
(612) 224-5686

Energy Agency

Notice of Contested Case Hearing on the Application of Minnesota Power and Light Company and United Power Association for a Certificate of Need for a Large Electric Generating Facility

It is hereby ordered and notice is hereby given that the contested case hearing concerning the above-entitled matter will reconvene at 10:00 a.m. on July 25, 1977, in the Jury Lounge on the Fourth Floor of the St. Louis County Courthouse, Duluth, Minnesota. This matter is being reheard upon the Order of the Minnesota Energy Agency granting the petition of Minnesota Power & Light Company and United Power Association (hereinafter the "applicants") for a rehearing and specifically upon the showing in applicants' petition that newly discovered evidence justifies rehearing of the matter. Applicants' petition was submitted pursuant to Minnesota Code of Agency Rule EA 520(b) and granted upon applicants' showing of newly discovered material evidence of such importance as likely to have altered the outcome of the hearing.

The rehearing will be held before Myron Greenberg, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota, 55104, telephone (612) 296-8109, an independent hearing examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The rehearing will be conducted subject to the constraints in the Director's Decision of April 5, 1977, and the Order Granting Petition for Rehearing, and pursuant

to the contested case procedures set out in Minn. Stat. §§ 15.0411 through 15.052 and procedural rules HE 201-222 and EA 500-520. Where the procedural rules conflict, the Hearing Examiner's Rules, HE 201-222, supersede the Agency's rules, EA 500-520. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Jean E. Heilman, 102 State Capitol, Saint Paul, Minnesota, 55155, telephone (612) 296-2306.

The purpose of the rehearing is to determine whether the applicants have newly discovered material evidence which justifies their need for the facility proposed in their application filed pursuant to Minn. Stat. § 116H.13 (1974) and EA 601-638. The rehearing will address, among other things, the accuracy of the applicants' forecasts of future demand for electricity in their systems, the appropriateness of the size, type and timing of the proposed facility, and such other matters raised by the Director's Decision of April 5, 1977. It must be determined whether denial of the application would result in an unacceptable level of reliability of electric service to applicants' ultimate consumers, or whether the socially beneficial uses of the output of the proposed facility, such as protecting or enhancing environmental quality, justify the asserted need for the facility.

There already are four parties other than the applicants. Any other person wishing to become a party to the proceeding must file a Notice of Intervention or a Petition for Leave to Intervene with the Hearing Examiner pursuant to EA 506 and HE 210(a). The Notice or Petition must be received by the Hearing Examiner on or before June 29, 1977, and a copy must be served on the Energy Agency, the applicants, and all parties to the proceeding.

Any person who wishes to give testimony, present other evidence or exhibits, or note his appearance at the hearing may do so, pursuant to HE 210(e), without having attained party status by intervention. Registration forms for such appearances will be available at the hearing.

All persons are advised that no factual information or evidence, except tax returns and tax reports, which is not part of the hearing record shall be considered by the Hearing Examiner or by the Director in the determination of the above-entitled matter. Persons attending the hearing should

bring all evidence bearing on the case including any records or other documents.

The procedural rules cited above are available for review at the Office of Hearing Examiners (HE 201-222) and at the offices of the Energy Agency (EA 500-520). The applicants' application for a certificate of need, the Director's Decision of April 5, 1977, the Petition for Rehearing, the Order Granting Petition for Rehearing, and the substantive rules applicable to this matter, EA 601-638, are also available for review at the offices of the Energy Agency. All rules may be purchased from the Documents Section, Department of Administration, 140 Centennial Building, St. Paul, Minnesota, 55155, telephone (612) 296-2874. The cited procedural rules provide generally for the procedural rights and obligations of the parties including the right to advance notice of witnesses and evidence, the right to present evidence and cross-examine witnesses, the right to purchase a record or transcript, the right to object to petitions for intervention, the obligation to meet certain time limits, the obligation to file proposed findings and conclusions, and the right to file comments on and exceptions to the findings and recommendation of the Hearing Examiner.

Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence. Requests for subpoenas must be made of the Hearing Examiner in writing.

If persons have good reason for requesting a delay in the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the Agency and the other parties.

John P. Millhone
Director

Pollution Control Agency Motor Vehicle Noise Limits

The amendments to Minnesota Regulation NPC 4(h) have been adopted as proposed. The proposed rule was published at 1 S.R. 815 (November 23, 1976).

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER
95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

ORDER FORM

Please send me:

_____ Annual subscription(s) to the *State Register* at \$110.00 (second and additional subscriptions are \$85.00 each).

_____ Single weekly copy(ies) of the *State Register* at \$2.25 each. Send me Issue(s) #_____ (please list).

_____ Annual subscription(s) to the *EQC Monitor* at \$50.00 (second and additional subscriptions are \$35.00 each). Contains all items of environmental concern.

NOTE: The above items are not subject to Minnesota sales tax. *State Register* binders, listed below, do require either sales tax or your tax exempt number.

_____ *State Register* binder(s) at \$5.00 + \$.20 sales tax,

for a total of \$5.20 per binder. Please fill in your tax exempt number, if necessary: #_____.

These are 3-½ inch durable plastic self-locking binders, imprinted with the *State Register* logo.

Please enclose full amount of items ordered with a check or money order made out to "Minnesota State Treasurer." Remember to include sales tax on binders only.

Name of Company or Organization_____

Attention to: _____

Street_____

City_____ State_____ Zip_____

Telephone_____ [S.R. 3/14/77]

House of Representatives
Attn: Edward Burdick, Chief Clerk
Room 211 Capitol
St. Paul, Minnesota 55155

I