

178 June 5

# State Register

STATE OF  
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## HIGHLIGHTS:

### EXECUTIVE ORDERS

Executive Order No. 171  
Providing for the Establishment of the State Rural  
Development Council  
(Amending Executive Order No. 67)

### RULES

Routing High Voltage Transmission Lines  
and Siting Large Electric Power Generating Plants  
Gas and Electric Utilities,  
Customer Information and Complaints

### PROPOSED RULES

Registration of Emergency Medical Technicians  
Lower St. Croix Water Surface Use

### STATE CONTRACTS

Consultant Services for CETA Programs  
Training of Medical Personnel  
Auditing and Accounting Services for Housing Finance  
Study of Carbon Monoxide Problems in St. Cloud,  
Duluth and Rochester

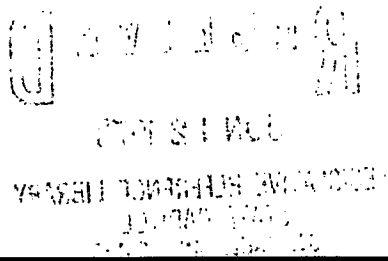
### OFFICIAL NOTICES

Outside Opinion Sought on Proposed Rules  
Application Filings and Contested Case Hearing Notice  
Meeting Notices

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**VOLUME 2, NUMBER 48**

**JUNE 5, 1978**



## Printing Schedule for Agencies

| Issue Number | *Submission deadline for Executive Orders, Adopted Rules and Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices. | Issue Date |
|--------------|---|---|------------|
| 49           | May 30 (Tu)   | June 5  | June 12    |
| 50           | June 5  | June 12   | June 19    |
| 51           | June 12   | June 19   | June 26    |
| 52           | June 19   | June 26   | July 3     |

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

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## Executive Order No. 171

### Providing for the Establishment of the State Rural Development Council (Amending Executive Order No. 67)

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

Whereas, it is vital for state government to provide the best possible services to the people of the State of Minnesota, and

Whereas, to achieve this goal requires a concerted effort to improve the existing delivery systems of state, federal, and local levels and to provide new services and new directions, and

Whereas, because there exists a multitude and complex array of agencies and institutions involved in the delivery of services to rural Minnesota, and

Whereas, no single state agency by itself presently has a function of coordinating the delivery of services to rural Minnesota for which the state is responsible, and

Whereas, an interdepartmental council can improve the coordination, quantity, and quality of services delivered,

Now, therefore, I order:

1. The formation of a State Rural Development Council composed of the Director of the State Planning Agency; the Director of the Office of Local and Urban Affairs, State Planning Agency; the Commissioner of Economic Development; the Commissioner of Transportation; the Commissioner of Agriculture; the Director of the State Housing Finance Agency; the Director of the Pollution Control Agency; the Commissioner of Natural Resources; the Director of the Energy Agency; the Commissioner of Economic Security; the Commissioner of Health; a representative of the University of Minnesota; a representative of a private institution of higher education; and a representative of a Minnesota state university to be named by the Governor.

Each regional development commission, the Metropolitan Council, and the U.S. Department of Agriculture State Rural Development Committee shall be asked to appoint a representative to the Rural Development Council; such representative is not required to be a member of the appointing organization.

The Lieutenant Governor shall serve as the Governor's representative on the Rural Development Council.

Representatives of appropriate federal agencies will be invited to participate in the deliberations of the Council and to provide assistance to all of the activities of the Council.

The Commissioner of Agriculture will serve as Chairman of the Rural Development Council.

## EXECUTIVE ORDERS

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The Council will meet at the call of the chairman and operate pursuant to procedures and policy statements adopted by the Council and distributed to all member agencies.

2. The adoption of a statement of purpose by the Council at its initial meeting, to be adopted by the consent of the Council.

3. The cooperation of all state departments and agencies with the operation of the Rural Development Council.

4. The designation by Council members of needed staff to work with the Council, and the participation in the administrative costs of the Council by member agencies.

5. The study by the Council of issues affecting the development of rural communities, and the formulation of recommendations for improving and/or implementing programs.

6. The review and recommendation to the Executive Council or rural development project proposals for funding from interest generated by the Rural Rehabilitation Revolving Fund.

Pursuant to Minn. Stat. § 4.035 (1977 Supp.), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on this 11th day of May, 1978.



# RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption as proposed and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

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## State Planning Agency Environmental Quality Board/Power Siting

### Adopted Rules MEQB 71-82 for Routing High Voltage Transmission Lines and Siting Large Electric Power Generating Plants

#### MEQB 71 Authority, purpose and policy.

A. Authority. The rules contained herein are prescribed by the Minnesota Environmental Quality Board pursuant to the authority granted to the Board in the Power Plant Siting Act, Minn. Stat. § 116C.51 *et seq.* (1977), to give effect to the purposes of the Act.

B. Purpose and policy. It is the purpose of the Act and the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this

policy, the Board shall choose locations that minimize adverse human and environmental impact while ensuring continuing electric power system reliability and integrity and ensuring that electric energy needs are met and fulfilled in an orderly and timely fashion. The Board shall provide for broad spectrum citizen participation as a principle of operation.

**MEQB 72 Definitions.** As used in these rules, the following terms have the meanings given them.

A. "Act" means the Power Plant Siting Act of 1973, as amended, Minn. Stat. § 116C.51 *et seq.* (1977).

B. "Board" means the Minnesota Environmental Quality Board.

C. "Construction" means any clearing of land, excavation, or other action that would adversely affect the natural environment of a site or route but does not include changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing survey or geological data, including necessary boring, to ascertain foundation conditions.

D. "File" means to deliver 40 copies to the office of the chairman of the Board.

E. "High Voltage Transmission Line" (HVTL) means a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 200 kilovolts or more. Associated facilities shall include, but not be limited to, insulators, towers, switching yards, substations and terminals.

F. "Large electric power facilities" means high voltage transmission lines and large electric power generating plants.

G. "Large Electric Power Generating Plant" (LEPGP) means electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.

H. "Large electric power generating plant study area" means a general area of land designated by the Board for purposes of planning for future sites.

I. "Person" means any individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

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## MEQB 72

J. "Public advisor" means a staff person designated by the Board for the sole purpose of assisting and advising affected ~~and~~ or interested citizens on how to effectively participate in the site ~~and~~ or route designation processes.

K. "Right-of-way" means the land interest used or proposed to be used within a route to accommodate a high voltage transmission line.

L. "Route" means the location of a high voltage transmission line between two end points. A route may have a variable width of up to 1.25 miles.

M. "Route segment" means a portion of a route.

N. "Site" means the location of a large electric power generating plant.

O. "Utility" means any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, a cooperatively owned utility, a public or municipally owned utility, or a private corporation.

## MEQB 73 Procedure for designation of a route and issuance of a construction permit.

A. Content of an application for a construction permit. An application shall be filed with the Board which includes an environmental report consistent in form with a draft environmental impact statement (~~Minn. Reg. MEQB 30D Environmental Review Program Rules~~). The application shall contain any information necessary to make the evaluation required in MEQB 73 H and the following:

1. the size and type of the proposed transmission line;
2. at least two proposed routes for the proposed transmission line;
3. an environmental analysis of each proposed route including a description of the environmental setting and the potential environmental impacts of each route;
4. the engineering and operational design concepts for the proposed transmission line;
5. a description of the construction, right-of-way preparation and maintenance procedures anticipated for the proposed transmission line;
6. the procedures and practices proposed for the ultimate abandonment and restoration of the right-of-way;
7. a listing of federal or state permits that may be required for the proposed transmission line;

8. a cost analysis of each route;

9. the certificate of need ~~application submitted to the director of the Minnesota Energy Agency, if available, or an acknowledgement of the acceptance a substantially complete certificate of need application by the Minnesota Energy Agency, if a certificate of need is required by Minn. Stat. § 116H;~~

10. a statement of proposed ownership of the utility facility as of the day of filing and an affidavit authorizing the applicant to act on behalf of the owners those planning to participate in the project.

B. Acceptance of a construction permit application. The Board shall either accept or reject an application for a construction permit ~~no later than 50 days after the application was filed with the Board at its first regularly scheduled meeting after the application is filed with the Board, provided the application is filed at least 30 days prior to that meeting.~~ If the Board rejects the application, it shall at that time inform the applicant which deficiencies, if corrected, will allow the application to be accepted. If the deficient information is submitted to the Board 10 days in advance of a regularly scheduled meeting, the Board shall reconsider the application at that meeting. If the Board fails to act within the prescribed time limits the application shall be considered accepted. On acceptance of the application, the Board shall initiate the study, public participation and hearings required by these rules. After acceptance of the application, the applicant shall provide any additional relevant information which the Board deems necessary to process the application.

C. Route evaluation committee. On acceptance of an application for a construction permit the Board ~~may~~ shall appoint a route evaluation committee consistent with the Act. The Board shall provide guidance to the committee in the form of a charge.

D. Public advisor. The public advisor shall be available to affected ~~and~~ or interested citizens to advise them on how to effectively participate in the route designation process. The public advisor's duties shall include providing advice on appropriate methods and techniques of public involvement in the transmission line routing process. However, all persons given advice or aid in connection with participation in large electric power facility siting proceedings are hereby informed that the public advisor is not authorized to give legal advice or advice which may affect the legal rights of the person being advised. In no case shall any person rely to his possible legal disadvantage on such advice or information.

E. Information meetings. The Board shall hold at least two information meetings as follows:

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## MEQB 73

1. After acceptance of an application for a construction permit the Board shall hold at least one information meeting in the area affected by the applicant's proposal to explain the route designation process and to respond to questions raised by the public.

2. Prior to the public hearings held to consider the routes approved for consideration by the Board, ~~the~~ Board shall hold at least one information meeting in each county through which a route is proposed to be located to explain the route designation process, present major issues and alternatives under consideration by the Board and respond to questions raised by the public.

F. Route proposals. The Board shall consider the routes and route segments proposed by the applicant and may consider any other route or route segment it deems necessary. No route shall be considered at the public hearing unless approved for consideration by the Board prior to notice of the hearing thereon. All approved routes shall be identified by the Board consistent with MEQB 76D. Any proposer of a route or route segment which the Board has approved for consideration shall make an affirmative presentation of facts on the merits of the proposal at the public hearing which shall provide the Board with a basis for making a determination on that proposal.

1. The Board member agencies, power plant siting staff and the route evaluation committee may propose routes or route segments to the Board. Route proposals made by the route evaluation committee must be made no later than 105 days after acceptance of the application by the Board.

2. Any other person may propose a route or a route segment in the following manner:

a. The route or route segment must be set out specifically on the appropriate general county highway map available from the Minnesota Department of Transportation, or on the appropriate United States Geological Survey topographical maps.

b. The proposal must contain the data and analysis required in MEQB 73A and MEQB 73H, except MEQB 73A.2.; except where such information is the same as provided by the applicant.

c. The proposal must be presented to the chairman of the Board or his designee within ~~60~~ 70 days of acceptance of the application by the Board.

Within 10 days of receipt of the proposal, the

chairman of the Board or his designee shall determine if the proposal is adequately prepared. If the chairman of the Board or his designee determines that it is adequately prepared, he shall forward the proposal to the Board for its consideration. If the chairman of the Board or his designee determines that the proposal is not adequately prepared, he shall inform the proposer of any inadequacies in the proposal. The proposer shall have 15 days therefrom to provide additional information to the chairman of the Board or his designee. The chairman of the Board or his designee shall determine within 10 days whether the amended proposal is adequately prepared. If the chairman of the Board or his designee then determines that the proposal is not adequately prepared, the proposer may appeal to the Board at its next meeting to determine the adequacy of the proposal.

G. Public hearings. Public hearings held by the Board pursuant to this rule shall be held for the purposes of collecting and verifying data, and establishing a complete and accurate record upon which to base a decision. The hearings shall be conducted by an independent hearing examiner from the State Hearing Examiner's Office. The conduct of these hearings shall be as prescribed by rule adopted by the Chief Hearing Examiner.

H. ~~Criteria for the Evaluation of Routes. In selecting a route and issuing a construction permit, the Board shall seek to minimize adverse human and environmental impact, maximize the efficient use of resources, and ensure continuing electric power system reliability. No route shall be designated by the Board in violation of federal or state statute or law, rule or regulation. No route shall be designated by the Board through state or national wilderness areas.~~

I. ~~Designated Lands. Lands designated as state and national parks and scientific and natural areas by the Congress of the United States, the Minnesota Legislature or the Commissioner of the Department of Natural Resources pursuant to Legislative directive have been set aside for the benefit of the people and for future generations. No land within any of these designated areas shall be selected as a high voltage transmission line route by the Board unless:~~

a. ~~A route in the designated area would not materially damage or impair the purpose for which the land was designated; and~~

b. ~~Unusual circumstances exist in all alternate routes which would be more severely detrimental to humans or the environment if any alternative were selected.~~

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## MEQB 73

Economic considerations alone shall not justify approval of these designated lands. In the event that such an area is approved, effort shall be made to minimize the harm to it.

2. Considerations for the Designation of a Route and Issuance of a Construction Permit. The Board shall make an evaluation of the following considerations prior to issuance of a construction permit. In its evaluation of route alternatives, the Board shall consider the characteristics of a given geographical area, identify the potential impacts, and apply methods to mitigate adverse impacts so that it may select a route with the least adverse impact.

a. Identification of Geographical Characteristics and Potential Impacts. The Board shall identify the geographical characteristics and potential impacts in the following categories:

(1) Existing and projected human settlement, including but not limited to development patterns;

(2) Economic operations, including but not limited to agricultural, forestry and mining operations;

(3) The natural environment and public land, including but not limited to natural areas, wildlife habitat, waters, recreational lands, and lands of historic or cultural significance;

(4) Reliability, cost and accessibility.

b. Methods of Mitigating Impacts. The Board shall utilize the following methods in seeking to find a route with the least adverse impact.

(1) Evaluation of existing land use or management plans, and established methods of resource management;

(2) Evaluation of routes along or sharing existing right of way;

(3) Evaluation of routes along survey, natural division and field boundaries;

(4) Evaluation of structures capable of expansion in transmission capacity through multiple circuiting or design modifications to accommodate future high voltage transmission lines.

(5) Evaluation of alternate structure types and technologies.

H. Criteria for the evaluation of routes. In selecting a route and issuing a construction permit, the Board shall seek

to minimize adverse human and environmental impact, maximize the efficient use of resources, and ensure continuing electric power system reliability.

1. Considerations for the designation of a route and issuance of a construction permit. The Board shall make an evaluation of the following considerations prior to issuance of a construction permit. In its evaluation of route alternatives, the Board shall consider the characteristics of a given geographical area, identify the potential impacts, and apply methods to minimize adverse impacts so that it may select a route with the least adverse impact.

a. Identification of geographical characteristics and potential impacts. The Board shall identify the geographical characteristics and potential impacts in the following categories:

(1) human settlement, including development patterns;

(2) economic operations, including agricultural, forestry, recreational and mining operations;

(3) the natural environment and public land, including natural areas, wildlife habitat, waters, recreational lands and lands of historical and/or cultural significance;

(4) reliability, cost and accessibility.

b. Methods of minimizing impacts. In selecting a route with the least adverse impact, the Board shall make an evaluation of each of the following categories:

(1) existing land use or management plans, and established methods of resource management;

(2) routes along or sharing existing rights-of-way;

(3) routes along survey and natural division lines and field boundaries so as to minimize interference with agricultural operations;

(4) structures capable of expansion in transmission capacity through multiple circuiting or design modifications to accommodate future high voltage transmission lines; and

(5) alternate structure types and technologies.

2. Designated lands. Certain lands within the state have been designated for preservation by action of the state or federal government for the benefit of the people and for

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## MEQB 74

future generations. No route shall be designated by the Board through State or National Wilderness Areas. No route shall be designated by the Board through State or National Parks and State Scientific and Natural Areas unless:

a. a route in a designated area would not materially damage or impair the purpose for which the land was designated; and

b. circumstances exist in all alternate routes which would be more severely detrimental to humans or the environment if any alternate were selected.

In the event that such an area is approved, the Board may require the applicant to take measures to minimize impacts which adversely affect the unique character of designated lands. Economic considerations alone shall not justify approval of these designated lands. No route shall be designated by the Board in violation of federal or state statute or law, rule or regulation.

I. Board action. Within one year after the Board's acceptance of a utility's application for a construction permit, the Board shall act on that application. When the Board designates a route, it shall issue a permit for the construction of a high voltage transmission line specifying the type, design, routing, right-of-way preparation and maintenance, facility construction and abandonment procedures it deems necessary with any other appropriate conditions. The Board's decision shall be made in accordance with MEQB 73H. The Board shall give the reasons for its decision in written findings of fact.

J. Construction plans. Following issuance of a construction permit, a utility shall provide the Board with a preliminary construction plan at least 60 days prior to construction which shall show that the right-of-way of the transmission line as proposed is within the route designated by the Board. The Board may suspend the 60-day time limitation if it can be shown that earlier construction will not preclude proper review of the plans. If the utility makes any changes in its preliminary construction plan, it shall notify the Board in writing of such changes.

### MEQB 74 Procedures for designation of a site and issuance of a certificate of site compatibility.

A. Content of an application for a certificate of site compatibility. The application for a certificate of site compatibility filed with the Board shall be consistent in form with an environmental report as outlined in the Minnesota Environ-

mental Quality Board's Environmental Review Program Rules and shall contain any information necessary to make the evaluation required in MEQB 74H and the following:

1. the size and type of the proposed plant;
2. at least two proposed sites for the proposed plant;
3. the engineering and operational design concepts for the plant at each of the proposed sites;
4. an engineering analysis of each of the proposed sites;
5. the procedures and practices proposed for the ultimate abandonment and restoration of the site;
6. an environmental analysis of each proposed site, including a description of the environmental setting and the potential environmental impacts of each site;
7. a cost analysis of the plant at each proposed site;
8. a listing of federal or state permits that may be required for each proposed site;

~~8-9.~~ the certificate of need application submitted to the Minnesota Energy Agency, if available, or an acknowledgement of the acceptance of a substantially complete certificate of need application by the Minnesota Energy Agency, if a certificate of need is required by Minn. Stat. 116H;

~~9-10.~~ a statement of proposed ownership of the utility facility as of the day of filing and an affidavit authorizing the applicant to act on behalf of the owners those planning to participate in the project.

After Board adoption and publication of its inventory of large electric power generating plant study areas, the utility shall in all new applications filed with the Board either apply for sites located within the inventory of study areas, or shall specify the reasons for any proposal located outside of the study areas and make an evaluation of the proposed site based upon the planning policies, criteria and standards specified in the inventory.

B. Acceptance of an application for a certificate of site compatibility. The Board shall either accept or reject an application for a certificate of site compatibility ~~no later~~

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than 50 days after the application was filed with the Board at its first regularly scheduled meeting after the application is filed with the Board, provided the application is filed at least 30 days prior to that meeting. If the Board rejects the application, it shall at that time inform the applicant which deficiencies, if corrected, will allow the application to be accepted. If the deficient information is submitted to the Board 10 days in advance of a regularly scheduled meeting, the Board shall reconsider the application at that meeting. If the Board fails to act within the prescribed time limits the application shall be considered accepted. On acceptance of the application, the Board shall initiate the study, public participation and hearings required by these rules. After acceptance of the application, the applicant shall provide any additional relevant information which the Board deems necessary to process the application.

C. Site evaluation committee. Upon acceptance of an application for a certificate of site compatibility, the Board shall appoint a site evaluation committee consistent with the Act. The Board shall provide guidance to the committee in the form of a charge.

D. Public advisor. The public advisor shall be available to affected ~~and~~ or interested citizens to advise them on how to effectively participate in the site designation process. The public advisor's duties shall include providing advice on appropriate methods and techniques of public involvement in the site designation process. However, ~~all persons given advice or aid in connection with participation in large electric power facilities-siting proceedings are hereby informed that~~ the public advisor is not authorized to give legal advice or advice which may affect the legal rights of the person being advised. ~~In no case shall any person rely to his possible legal disadvantage on such advice or information.~~

E. Information meetings. The Board shall hold at least two information meetings as follows:

1. After acceptance of an application for a certificate of site compatibility, the Board shall hold at least one information meeting in the area affected by the applicant's proposal to explain the site designation process and to respond to questions raised by the public.

2. Prior to the public hearings held to consider the sites approved for consideration by the Board, the Board shall hold at least one information meeting in each county in which a site is proposed to be located to explain the site designation process, to present major issues and alternatives under consideration by the Board, and to respond to questions raised by the public.

F. Site proposals. The Board shall consider the sites proposed by the applicant and may consider any other site it

deems necessary. Not site shall be considered at the public hearing unless approved for consideration by the Board prior to notice of the hearing thereon. All approved sites shall be identified by the Board consistent with MEQB 76 D. Any proposer of a site which has been approved for consideration at the public hearings by the Board shall make an affirmative presentation of facts on the merits of the proposal at the public hearing which shall provide the Board with a basis for making a determination on that proposal. Any person may propose a site in the following manner:

1. The site must be set out specifically on United States Geological Survey topographical maps.

2. The proposal must contain the data and analysis required in MEQB 74 A. and MEQB 74 H. with the exception of MEQB 74 A.2. and MEQB 74 A.7., except where such information is the same as provided by the applicant.

3. The proposal must be presented to the chairman of the Board or his designee within ~~60~~ 70 days of acceptance of the application by the Board. Within 10 days of receipt of the proposal, the chairman of the Board or his designee shall determine if the proposal is adequately prepared. If the chairman of the Board or his designee determines that it is adequately prepared, he shall forward the proposal to the Board for its consideration at its next meeting. If the chairman of the Board or his designee determines that the proposal is not adequately prepared, he shall inform the proposer of any inadequacies in the proposal. The proposer shall have 15 days therefrom to provide additional information to the chairman of the Board or his designee. The chairman of the Board or his designee shall determine within 10 days whether the amended proposal is adequately prepared. If the chairman of the Board or his designee then determines that the proposal is not adequately prepared, the proposer may appeal to the Board at its next meeting to determine the adequacy of the proposal.

G. Public hearings. Public hearings held by the Board pursuant to this rule shall be held for the purposes of collecting and verifying data and establishing a complete and accurate record upon which to base a decision. The hearing shall be conducted by an independent hearing examiner from the State Hearing Examiner's Office. The conduct of these hearings shall be as prescribed by rule adopted by the Chief Hearing Examiner.

H. Criteria for the evaluation of sites. The following criteria and standards shall be used to guide the site suitability evaluation and selection process. Not all site selection criteria are applicable to all plants to the same degree.

~~3.~~ 1. Site selection criteria. The following criteria shall be applied in the selection of sites:

a. Preferred sites require the minimum population displacement.



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b. Preferred sites minimize adverse impacts on local communities and institutions.

c. Preferred sites minimize adverse health effects on human population.

d. Preferred sites do not require the destruction or major alteration of land forms, vegetative types, or terrestrial or aquatic habitats which are rare, unique, or of unusual importance to the surrounding area.

e. Preferred sites minimize visual impingement on waterways, parks, or other existing public recreation areas.

f. Preferred sites minimize audible impingement on waterways, parks or other existing public recreation areas.

g. Preferred sites minimize the removal of valuable and productive ~~land~~ agricultural, forestry, or mineral land from ~~other necessary~~ their uses.

h. Preferred sites minimize the removal of valuable and productive water from other necessary uses and minimize conflicts among water users.

i. Preferred sites minimize potential accident hazards and possible related adverse effects with respect to geology.

j. Preferred sites permit significant conservation of energy or utilization of by-products.

k. Preferred sites ~~are located near~~ minimize the distance to large load centers.

l. Preferred sites maximize the use of already existing operating sites if expansion can be demonstrated to have equal or less adverse impact than feasible alternative sites.

m. Preferred sites utilize existing transportation systems unless feasible alternative systems, including new or upgraded existing substandard systems, have less adverse impact.

n. Preferred sites allow for ~~larger rather than smaller generating capacity~~ future expansion.

o. Preferred sites minimize adverse impact of transmission lines.

p. Preferred sites minimize the costs of constructing and operating the facility.

## ~~1.~~ 2. Exclusion criteria.

a. No large electric power generating plant shall be sited in violation of any federal or state statute or law, rule or regulation. No ~~area~~ site shall be selected in which a large electric power generating plant is not licensable by all appropriate state and federal government agencies.

b. The following land areas shall not be certified as a site for a large electric power generating plant except for use for water intake structures or water pipelines: ~~n~~National ~~p~~Parks; ~~n~~National ~~h~~Historic ~~s~~Sites and ~~l~~Landmarks; ~~n~~National ~~h~~Historic ~~d~~Districts; ~~n~~National ~~w~~Wildlife ~~r~~Refuges; ~~n~~National ~~m~~Monuments; ~~n~~National ~~w~~Wild, ~~s~~Scenic and ~~r~~Recreational ~~r~~Riverways; ~~s~~State ~~w~~Wild, ~~s~~Scenic and ~~r~~Recreational ~~r~~Rivers and their land use districts; ~~s~~State ~~p~~Parks; ~~n~~Nature ~~e~~Conservancy ~~p~~Preserves; ~~s~~State ~~s~~Scientific and ~~n~~Natural ~~a~~Areas; and ~~s~~State and ~~n~~National ~~w~~Wilderness ~~a~~Areas. If the Board includes any of these lands within a site for use for water intake structures or water pipelines, it may impose appropriate conditions in the certificate of site compatibility which protect these lands for the purpose for which they were designated. The Board shall also consider the adverse effects of proposed sites on these areas which are located wholly outside of the boundaries of these areas.

c. No area shall be selected which does not have reasonable access to a proven water supply sufficient for plant operation. No use of ground water shall be permitted where mining of ground water resources will result. "Mining" as used herein shall mean the removal of ground water that results in material adverse effects on ground water in and adjacent to the area, as determined in each case.

~~d. No water shall be transferred between the four major drainage basins within the state: that is, the Missouri River drainage basin, the Mississippi River drainage basin, the Lake Superior drainage basin, and the Red Rainy River drainage basin.~~

## ~~2.~~ 3. Large electric power generating plant avoidance areas.

a. In addition to exclusion areas, the following land use areas shall not be approved for large electric power generating plant sites when feasible and prudent alternatives with lesser adverse human and environmental effects exist. Economic considerations alone shall not justify approval of avoidance areas. Any approval of such areas shall include

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all possible planning to minimize harm to these areas. These avoidance areas are: state registered historic sites; ~~s~~State ~~h~~Historic ~~d~~Districts; ~~s~~State ~~w~~Wildlife ~~m~~Management ~~a~~Areas (except in cases where the plant cooling water is to be used for wildlife management purposes); county parks; metropolitan parks; designated state and federal recreational trails; designated trout streams; and the rivers identified in Minn. Stat. § 85.32, subd. 1 (1971).

b. Avoidance areas also apply to new transportation access routes and storage facilities associated with the plant in addition to the plant itself. ~~Water intake structures and water pipelines shall not necessarily be prohibited from LEPCP avoidance areas.~~

c. The use of ground water for high consumption purposes, such as cooling, shall be avoided if feasible and prudent surface water alternatives less harmful to the environment exist. Ground water use to supplement available surface water shall be permitted if the cumulative impact minimizes environmental harm.

I. Board action. Within one year after the Board's acceptance of a utility's application for a certificate of site compatibility, the Board shall act on that application. When the Board designates a site it shall issue a certificate of site compatibility with any appropriate conditions. The Board's decision shall be made in accordance with MEQB 74H. The Board shall give the reasons for its decision in written findings of fact. If the Board refuses to designate a site, it shall indicate the reasons for the refusal and indicate the necessary changes in size or type of facility to allow site designation.

J. Certificate administration. Following issuance of a certificate of site compatibility, the Board may require the applicant to supply such plans and information as it deems necessary to determine whether the plant, as proposed or operated, is in compliance with the conditions of the certificate of site compatibility.

## MEQB 75 Advisory committees.

A. Route and site evaluation committees. Route and site evaluation committees appointed by the Board are advisory and are to assist the Board in evaluating applications for routes and sites.

B. Power plant siting advisory committee. The Board shall appoint a power plant siting advisory committee which shall work closely with the Board staff in reviewing, advising, and making recommendations to the Board concerning development, revision and enforcement of any rule, inventory, or program initiated under the Act or these Rules. The Board shall provide guidance to the committee in the form

of a charge and through specific requests. The committee shall be composed of as many members as may be designated by the Board, and its membership shall be solicited on a statewide basis. The committee shall be appointed for a one-year term coincident with the fiscal year.

## MEQB 76 Notice.

A. Applications. Within 20 days of acceptance of any application submitted to the Board pursuant to the Act, except an exemption application, the Board shall give notice of acceptance of the application by paid advertisement in a legal newspaper of general circulation in each county in which a route or site is proposed by the applicant to be located. The notice shall include the following information:

1. identification of the application;
2. the date of the Board's acceptance of the application;
3. a brief description of the proposed facility;
4. a map showing the routes or sites proposed in that county;
5. the name and function of the public advisor and the place where ~~he~~ that person can be reached;
6. locations where the application is available to the public;
7. procedures for proposing alternate routes or sites.

B. Information meetings. Notice and agenda of public information meetings of the Board shall be given by the Board consistent with the Act. For purposes of giving notice, a route or site proposal shall be any route or site proposed by the applicant or a route or site that is an accepted proposal under MEQB 73 F.2. or 74 F. 1., 2. and 3., or by resolution of the Board pursuant to MEQB 73 F. or 74 F., as of the time of notice.

C. Public hearings. Notice and agenda of public hearings shall be given by the Board consistent with the Act. For purposes of giving notice, a route or site proposal shall be any route or site proposed by the applicant or a route or site that is an accepted proposal under MEQB 73 F.2. or 74 F.1., 2. and 3., or by resolution of the Board pursuant to MEQB 73 F or 74 F.

D. Route and site proposals. Prior to public hearings held on routes and sites which the Board has approved for consideration at the public hearings consistent with these rules, the Board shall identify the routes and sites with maps published in a newspaper of general circulation in each

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county in which a route or site is proposed to be located showing the routes or sites in that county.

### MEQB 77 Emergency certification.

A. Application. Any utility whose electric power system requires the immediate construction of a large electric power generating plant or a high voltage transmission line may apply to the Board for an emergency certificate of site compatibility or an emergency construction permit. The application for an emergency construction permit shall contain the supporting information required in MEQB 73 A. and MEQB 77 B. The application for an emergency certificate of site compatibility shall contain the supporting information required in MEQB 74 A. and MEQB 77 B.

B. Determination of an emergency. The Board shall hold a public hearing within 90 days of acceptance of an application for emergency certification to consider the following to determine whether or not an emergency exists:

1. any evidence offered by the Minnesota Energy Agency or any other person;
2. whether adherence to the procedures and time schedules specified in MEQB 73 I. and MEQB 74 I. would jeopardize the utility's electric power system or would jeopardize the utility's ability to meet the electric needs of its customers in an orderly and timely manner;
3. whether there remains any feasible or prudent alternative to the utility which can serve its immediate need;
4. whether the utility is prepared to, and will upon authorization, carry out the acquisition and construction program at the maximum rate of progress.

The Board shall also establish whether the situation could have been reasonably anticipated by the utility in time to utilize the normal application procedures. If the Board finds that the utility could have reasonably anticipated the situation, the utility may be subject to the provisions of Minn. Stat. § 116 C.68. (1977).

C. Board Action. If the Board determines that an emergency exists, then the route or site designation procedures prescribed in MEQB 73 and MEQB 74, with the exception of MEQB F.2. and MEQB 74 F.1., 2. and 3., shall be followed, except that the Board shall designate a route and issue an emergency construction permit or designate a site and issue an emergency certificate of site compatibility within 195 days of the application.

### MEQB 78

### MEQB 78 Exemption of certain routes.

A. Application. A utility may apply to the Board to exempt the construction of a high voltage transmission line from the Act. A utility shall submit an application for exemption of a specific transmission line containing the following information:

1. the engineering design concepts;
2. the proposed location of the facility;
3. the environmental setting and impact of the proposed action;
4. a description of the plans for right-of-way preparation and construction.

B. Notice of exemption application. Within 15 days of filing with the Board an application for exemption of a certain route, the utility shall:

1. publish a notice and description of the exemption application including, but not limited to, a map of the proposed route and the size and type of facility in a legal newspaper of general circulation in each county in which the route is proposed to be located;
2. send a copy of the exemption application by certified mail to the chief executive of any regional development commission, county, incorporated municipality and organized town in which the route is proposed to be located; and
3. send a notice and description of the exemption application to each owner over whose property the line may run, together with an understandable description of the procedures the owner must follow should he desire to object.

C. Objection to an exemption application. Any person who owns real property crossed by the proposed route, or any person owning property adjacent to the property crossed by the proposed route, or any affected political subdivision may file an objection with the Board within 60 days after the giving of notice under MEQB 78 B. stating reasons why the Board should deny the application.

D. Board action. The Board may conduct a public hearing to determine if the proposed high voltage transmission line will cause any significant human or environmental impact. If any objections are filed with the Board, the Board

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shall either deny the application or conduct such a public hearing. Whether or not an objection is filed or a hearing is held, the Board shall determine whether the proposed high voltage transmission line will cause any significant human or environmental impact. If the Board determines that significant human or environmental impact will occur, it shall deny the application. If not, it may exempt the proposed transmission line with any appropriate conditions, but the utility shall comply with any applicable state rule and any applicable zoning, building and land use rules, regulations and ordinances of any regional, county, local and special-purpose government in which the route is proposed to be located.

## MEQB 79 Improvement of acquired routes and sites.

A. Delay in construction. Utilities that have acquired a route or site may proceed to construct or improve the route or site in accordance with these rules. However, when construction and improvement have not commenced four years after the construction permit or site certificate has been issued by the Board, the Board shall suspend the certificate or permit. If at that time, or at a time subsequent, the utility decides to construct the proposed large electric power facility, it shall certify to the Board that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit or certificate was issued. If the Board determines that there are no significant changes, it shall reinstate the permit or certificate. If the Board determines that there is a significant change, it may order a new hearing and consider the matter further, or it may require a new application.

B. Minor alterations in a construction permit for a high voltage transmission line.

1. Application. Following issuance of a construction permit for a high voltage transmission line, a utility may apply to the Board for minor alterations on conditions specified in the permit. The utility shall submit an application for a minor alteration which contains sufficient information for the Board to determine within 45 days the following:

- a. whether or not the requested changes are significant enough to warrant Board study and approval;
- b. whether or not to order public hearings near the affected area;
- c. whether or not additional fees shall be assessed.

2. Board action. If the Board decides to study the application, the Board shall determine within 70 days whether granting the application would be consistent with MEQB 73 H. and shall grant or deny the utility's application accordingly.

## MEQB 80 Revocation or suspension.

A. ~~Initiation of Board Action.~~ The Board may initiate action to consider revocation or suspension of a construction permit or certificate of site compatibility if the Board determines that a prima facie showing has been made by affidavit and documentation that a violation of the provisions of the Act has occurred as set forth in Minn. Stat. § 116C.645 and these rules. For purposes of this rule such a violation shall result from any act described in Minn. Stat. § 116C.645 unless the Board determines that significant additional adverse environmental effects will not result or that such significant additional adverse environmental effects can and will be corrected. Additional adverse environmental effects mean environmental effects which are more substantial, taken as a whole, than those which would have occurred in absence of a violation.

B. ~~Board Action.~~ If the Board initiates action to consider revocation or suspension of a construction permit or certificate of site compatibility, it shall conduct a hearing pursuant to the contested case procedures of Minn. Stat. Chapter 15. If the Board finds that the violation has or will cause significant additional or continuing adverse environmental impacts which cannot be corrected or substantially mitigated and that revocation will not imperil the utility's electric power system reliability, then it may revoke the permit or certificate or order other appropriate measures. If the Board finds that the violation has or will cause significant additional permanent or continuing adverse environmental impacts, and that corrective or mitigative measures are reasonably available, then the Board shall order such measures and may suspend the permit or certificate until such measures are taken. If the Board finds that the violation has or will cause significant additional permanent or continuing adverse environmental impacts and that revocation will imperil the utility's electric power system reliability and that there are no mitigative or corrective measures which can be taken to improve the situation, then the Board may ask the Attorney General to bring action against the utility pursuant to Minn. Stat. § 116C.68.

### A. Initiation of board action.

The Board may initiate action to consider revocation or suspension of a construction permit or certificate of site compatibility on its own motion or upon the request of any person who has made a prima facie showing by affidavit and documentation that a violation of the Act has occurred as set forth in Minn. Stat. § 116C.645 or these rules.

### B. Board action.

If the Board initiates action to consider revocation or suspension of a construction permit or certificate of site compatibility, it will consider in a hearing under Minn. Stat. § 116 C.645 the following matters:

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1. whether a violation of any of the conditions in Minn. Stat. § 116 C.645 has occurred;

2. whether the violation will result in any significant additional adverse environmental effects;

3. whether the results of the violation can be corrected or ameliorated; and

4. whether a suspension or revocation of a permit or certificate will impair the utility's electrical power system reliability.

If the Board finds that a violation of Minn. Stat. § 116 C.645 or these rules has occurred: it may (1) revoke or suspend the permit or certificate, (2) require the utility to undertake corrective or ameliorative measures as a condition to avoid revocation or suspension, or (3) require corrective measures and suspend the permit or certificate.

**MEQB 81 Annual hearing.** The Board shall hold an annual public hearing on a Saturday in November in St. Paul in order to afford interested persons an opportunity to be heard regarding its inventory of study areas, route and site designation processes, other aspects of the Board's activities and duties performed pursuant to the Act, or policies set forth in these rules.

## MEQB 82 Assessment, application fees.

A. Assessment. For purposes of determining the annual assessment on a utility pursuant to the Act, each utility shall, on or before July 1 of each year, submit to the Board a report of its retail kilowatt-hour sales in the state and its gross revenue from kilowatt-hour sales in the state for the preceding calendar or utility reporting year. Upon receipt of these reports, the Board shall bill each utility as specified in the Act.

B. Application fees. Every applicant for a route or site pursuant to Minn. Stat. § 116 C.57 shall pay to the Board a fee as prescribed by the Act.

1. For applications filed pursuant to Minn. Stat. § 116 C.57, subs. 1 and 2, twenty-five percent of the total estimated fee shall accompany the application and the balance is payable in three equal installments at the end of 90, 180 and 270 days from the date of the Board's acceptance of the application.

2. For applications filed pursuant to Minn. Stat.

§ 116 C.57, subd. 3, twenty-five percent of the total estimated fee shall accompany the application and the balance is payable at the end of 90 days from the date of the Board's acceptance of the application.

3. For applications filed pursuant to Minn. Stat. § 116 C.57, subd. 5, ten percent of the total estimated fee shall accompany the application and the balance is payable as determined by the Board.

## Department of Public Service Commission Support Division

### Adopted Rules Relating to the Public Service Commission — Gas and Electric Utilities, PSC 279-336 Customer Information and Complaints

The rules proposed at *State Register*, Volume 1, Number 26, pp. 986-998, January 5, 1977 (1 S.R. 986), are adopted as proposed, with the following amendments:

#### Chapter Eleven

#### PSC 282 Complaint procedures.

C. When the Public Service Commission forwards a customer complaint to the utility, the utility shall notify the Commission within ~~five (5)~~ ten (10) business days regarding the status or disposition of the complaint.

#### PSC 298 Disconnection of service.

A. 1. For failure of the customer to pay a bill for utility service, ~~when due~~, but only when the amount of the customer's outstanding bill equals or exceeds the amount of the customer's deposit.

E. Landlord-tenant rule. In situations where the service is rendered at an address different from the mailing address

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of the bill, or where the utility has reason to know that a landlord-tenant relationship exists and that the landlord is the customer of the utility; and where the landlord as customer would otherwise be subject to disconnection of service; the utility may not disconnect service until the following actions have been taken:

1. Where it is feasible to so provide service the utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for service in her or his own name. If the occupant then declines to so subscribe, the utility may disconnect service pursuant to the rules.

2. A utility shall not attempt to recover from a tenant, or condition service to a tenant, with the payment of any outstanding bills or other charges due upon the outstanding account of the landlord.

## PSC 299 ~~Reserved for Future Use.~~ Cold weather rule.

A. Notwithstanding the provisions of PSC 298 A. and B., no utility shall disconnect residential service, if said disconnection affects the primary heat source of the premises:

1. if the predicted 24-hour (12 a.m. to 12 p.m.) temperature as reported by the National Weather Service at its first order station nearest the residence is to be zero degrees Fahrenheit (-18 degrees Celsius) or lower; nor

2. on a Friday or a day before a legal holiday if the predicted 24-hour (12 a.m. to 12 p.m.) temperature as recorded by the National Weather Service at its first order station nearest the residence is to be 32 degrees Fahrenheit (0 degrees Celsius) or lower.

B. If a residential service has been disconnected and not restored to service by the close of business on the disconnect date when the predicted 24-hour (12 a.m. to 12 p.m.) temperature as reported by the National Weather Service at its first order station nearest the residence is to be 32 degrees Fahrenheit (0 degrees Celsius) or lower, the utility shall inform the customer that the appropriate local welfare department has emergency services and may provide financial assistance; in addition, the utility shall notify the local law enforcement department and the appropriate county welfare department. In these instances, the utility shall provide the name, address and telephone number at which the service was disconnected.

## PSC 300 Notice: other time requirements.

A. Where required by these rules, notice of impending action by the utility shall be by first class mail. Notice shall

be sent to the address where service is rendered and ~~or~~ to the address where the bill is sent if different from the address where service is rendered. A representative of the utility must make an affidavit under oath that he deposited in the mail the notice properly addressed to the customer.

~~F. In addition to the above notice requirements, where the utility has reason to know that a landlord tenant relationship exists and that the landlord is the customer of the utility, and where the landlord as the customer would otherwise be subject to disconnection of service, the utility shall make a good faith attempt to inform the tenants of the utility's intent to discontinue such service. Notice required by this provision must precede the action to be taken by at least five (5) days excluding Sundays and legal holidays.~~

## PSC 301 Manner of disconnection.

~~B. Service shall not be disconnected on any Friday, Saturday, Sunday or legal holiday, or at anytime when the utility's business offices are not open to the public.~~

## PSC 303 Disputes.

G. 7. Upon settlement of the dispute, any sums found to be entitled to be refunded to the customer shall be supplemented by a ~~six (6%)~~ eight (8%) percent per annum interest charge from the date of payment to the date of return by the utility.

## PSC 311 Meter reading and billing periods.

B. A utility may permit the customer to supply meter readings on a form supplied by the utility, providing a utility representative reads the meter at least once every twelve (12) months or at an interval determined upon petition to the Commission and when there is a change in customers and when requested by the customer. This form should advise the customer of the utility's responsibilities to read the meter.

~~B. C.~~ C. If the billing period is longer or shorter than the normal billing period by more than five (5) days, the bill shall be prorated on a daily basis.

## PSC 313 Billing content.

A. 5. A complete itemization of all charges incurred at ~~all levels~~ each level of customer usage.

## PSC 314 Adjustment of bills, electric.

A. 1. Whenever any meter is found upon test to have an average error of more than two (2%) percent fast, the utility shall refund to the customer the overcharge. Whenever any meter is found upon test to have an average error of more

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than two (2%) percent slow, the utility may charge for electricity consumed, but not included in the bills previously rendered. The refund or charge for both fast and slow meters shall be based on corrected meter readings for a period equal to one-half the time elapsed since the last previous test, but not to exceed six months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the refund or charge shall be computed to that date, but in no event for a period longer than ~~three (3) years~~ one (1) year.

A. 2. When the average error cannot be determined by test because the meter is not found to register or is found to register intermittently, the utility may charge for an estimated amount of electricity used, which shall be calculated by averaging the amounts registered over corresponding periods in previous years or in the absence of such information, over similar periods of known accurate measurement preceding or subsequent thereto, but in no event shall such charge be for a period longer than ~~three (3) years~~ one (1) year.

B. 1. When a customer has been overcharged or undercharged as a result of incorrect reading of the meter, incorrect application of rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reasons, the amount of the overcharge shall be refunded to the customer or the amount of the undercharge may be billed to the customer. The refund or charge, in no event, shall exceed one year, unless the date the error occurred can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date, but in no event for a period longer than ~~three (3) years~~ one (1) year.

## PSC 315 Adjustment of bills, gas

A. 1. Whenever any meter is found upon test to have an average error of more than two (2%) percent fast, the utility shall refund to the customer the overcharge. Whenever any meter is found upon test to have an average error of more than two (2%) percent slow, the utility may charge for the gas consumed, but not included in bills previously rendered. The refund or charge for both the fast and slow meter shall be based on the corrected meter reading for a period equal to one-half the time elapsed since the last previous test, but not to exceed six months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date, but in no event, for

a period longer than ~~three (3) years~~ one (1) year. The average error for a meter tested shall be defined as one-half the algebraic sum of the error at full-rated flow plus the error at check flow.

A. 2. When the average error cannot be determined by test because the meter is not found to register or is found to register intermittently, the utility may charge for an estimated amount of gas used, which shall be calculated by averaging the amounts registered over corresponding periods of known accurate measurement preceding or subsequent thereto, but in no event shall such charge be for a period longer than ~~three (3) years~~ one (1) year.

B. 1. When a customer has been overcharged or undercharged as a result of incorrect reading of the meter, incorrect application of rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reasons, the amount of the overcharge shall be refunded to the customer or the amount of the undercharge may be billed to the customer. The refund or charge, in no event, shall exceed one year, unless the date the error occurred can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date, but in no event for a period longer than ~~three (3) years~~ one (1) year.

**PSC 325 Guarantee of payment.** The utility shall not require deposit or guarantee of any customer or applicant for service who has established good credit. Deposit or guarantee of payment requirements as prescribed by the utility must be based upon standards which bear a reasonable relationship to the assurance of payment.

A. "New service" means service extended to or requested by any customer who has not received service as a customer for the preceding six (6) months. A utility shall not require a cash deposit or other guarantee of payment as a condition of obtaining new service unless a customer has an unsatisfactory credit or service standing with the utility due to any of the following:

1. The customer or applicant has outstanding a prior utility service account with the utility which at the time of request for service remains unpaid and not in dispute.

2. The service of a customer or applicant has previously been disconnected for any permissible reason which is not in dispute.

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3. The credit history as provided in these rules demonstrates that payment cannot be assured. The determination of an adequate credit history must be determined by objective criteria which shall be filed with the Commission in the utility's tariff. Such criteria must bear a reasonable relationship to the assurance of payment.

B. "Existing service" means service presently being extended to a customer or which has been extended to a customer within the past six (6) months. A utility shall not require a cash deposit or other guarantee of payment as a condition of continuing existing service unless a customer has an unsatisfactory credit or service standing with the utility due to either of the following:

1. The service of the customer has been disconnected or has been liable for disconnect for nonpayment of a bill which is not in dispute.

2. The service of a customer has been disconnected or has been liable for disconnect for any permissible reason which is not in dispute. The utility may require a deposit or guarantee of payment from any customer or applicant who has not established good credit with that utility. Deposit or guarantee of payment requirements as prescribed by the utility must be based upon standards which bear a reasonable relationship to the assurance of payment.

### PSC 326 Permissible means of guaranteeing payment.

A. 2. All deposits shall be in addition to payment of an outstanding bill or a part of such bill as has been resolved to the satisfaction of the utility except where such bill has been discharged in bankruptcy.

A. 3. Interest shall be paid on deposits in excess of \$20.00 at the rate of six percent per year compounded annually. Interest on deposits shall be payable from the date of deposit to the date of refund or disconnection. The utility may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills.

### PSC 327 Good credit and impermissible reasons for requiring a guaranteeing of payment.

A. Good credit. The utility may determine whether a customer has established good credit with the utility, except as herein restricted: A customer, who within the last twelve (12) months has not had his service disconnected for nonpayment of a bill and has not been liable for disconnect for nonpayment of a bill which is not in dispute, shall be deemed to have established good credit.

B. Impermissible reasons for requiring a deposit or an assuring guaranteeing of payment.



# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Health Manpower Division Proposed Rules Relating to the Registration of Emergency Medical Technicians

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1976), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota on July 6, 1978, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to George Beck, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8108, either before the hearing or within five (5) days after the close of the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written state-

ments or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed rules are attached hereto and made a part hereof.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to the Minnesota Department of Health, in care of Kathryn Lamp, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the Commissioner of Health's position relative to the necessity for the proposed rule and a Statement of Evidence outlining the testimony and evidence which will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection. The statutory authority of the Commissioner of Health to promulgate and adopt these rules is contained in Minn. Stat. §§ 214.001, 214.13, and 214.14 (1976).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) 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 a year or five (5) 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, telephone (612) 296-5615.

Warren R. Lawson, M.D.  
Commissioner of Health

May 23, 1978

### Rules as Proposed

Chapter 30 Human Services Occupations

Part II

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

## PROPOSED RULES

### 7 MCAR § 1.541

7 MCAR §§ 1.541-1.545 Registration of Emergency Medical Technicians

#### 7 MCAR § 1.541 Purpose and definitions.

A. Purpose. The purpose of (7 MCAR §§ 1.541-1.545) is to establish the administrative structure, the procedures and the requirements for the registration of those persons with basic emergency care training as emergency medical technicians.

B. Definitions. For the purposes of Rules (7 MCAR §§ 1.541-1.545), the words, terms and phrases listed below in this subdivision shall have the meaning stated herein, unless the language and context clearly indicates that a different meaning is intended.

1. "Applicant" means a person who applies, pursuant to these rules, either initially or on a renewal basis, to be registered as an emergency medical technician.

2. "Basic emergency care" means care given at the scene of a medical emergency, during transport to a medical care facility and/or until responsibility can be transferred to appropriate personnel. Such care may include (but not be limited to) recognizing a life-threatening situation, providing cardiopulmonary resuscitation, monitoring vital signs, controlling hemorrhage, clearing airway passages, treating shock, immobilizing fractures, dressing and bandaging wounds, assisting in childbirth, caring for burn or poison victims, diabetic or epileptic persons, managing unruly and disturbed persons, lifting and moving victims properly, extricating victims, providing safe transport and using such other skills which may be necessary to reduce the seriousness of an emergency situation.

3. "Basic Emergency Care Course" means the course that is at least 81 hours of instruction in at least the following areas:

a. procedures and skills currently accepted and necessary to perform basic emergency care;

b. equipment currently used in providing basic emergency care; and

c. current legal requirements for emergency care.

4. "Continuing education in basic emergency care" means at least 24 clock hours of formal review of basic emergency care skills and instruction in new knowledge and skills in basic emergency care techniques, equipment, communication procedures and legal requirements. The formal review and instruction must cover at least the following skill areas:

a. setting up, adjusting and closing down oxygen equipment;

b. use of suction equipment, artificial airways, and bag mask resuscitator;

c. determination of blood pressure;

d. bandaging the head, eye and extremity;

e. performance of cardiopulmonary resuscitation — one and two rescuers;

f. performance of an examination of life-threatening problems and a systematic check of injuries;

g. splinting a fracture of the upper extremity;

h. lifting and moving patients from bed-height surfaces and positioning them on a stretcher;

i. immobilization of neck and torso of a sitting patient on a short backboard;

j. moving a patient with a suspected cervical spine injury from the floor and immobilizing him/her on a long backboard.

5. "Commissioner" means the Commissioner of Health.

6. "Council" means the Emergency Medical Technicians Advisory Council defined in MHD 543.

7. "Emergency Medical Technician" means a person registered pursuant to these rules to provide basic emergency care.

8. "EMT" means an emergency medical technician.

9. "Full time ambulance driver or attendant" means a person who has been employed to provide basic emergency care for an ambulance service licensed by the State of Minnesota for a minimum of 1560 hours in a year, excluding vacation, sick leave, holidays and other leave.

10. "National Registry of Emergency Medical Technicians" means the private national accrediting organization in Columbus, Ohio which establishes voluntary standards, training and examinations for qualifying ambulance personnel.

11. "Registration" or "registered" means that an applicant has been found to meet the qualifications specified in these rules for providing basic emergency care. Only persons so registered are permitted to use the designated title of "emergency medical technician" or "EMT".

# PROPOSED RULES

12. "Part time ambulance driver or attendant" means a person who has been employed to provide basic emergency care for an ambulance service licensed by the State of Minnesota for less than 1560 hours a year but more than 520 hours.

13. "Volunteer ambulance driver or attendant" means person who provides emergency medical services for a licensed ambulance service without the expectation of remuneration and who does not depend in any way upon the provision of these services for the person's livelihood.

## 7 MCAR § 1.542 Registration requirements; career progression; disciplinary actions.

### A. Initial registration.

1. All applicants for initial registration shall submit an application on a form provided by the Commissioner and fees as prescribed in MHD 542. The information required by the Commissioner on the application shall be such so as to permit a complete evaluation of each applicant to determine whether the applicant meets the requirement for registration as specified in these rules and any applicable statutes. The Commissioner may require an applicant to submit additional information as may be necessary to determine the applicant's qualifications. In order to be registered, an applicant, except as specified in MHD 542 A. 2. and 3., shall:

- a. be at least 18 years old;
- b. possess a high school diploma or its equivalent;
- c. have successfully completed the basic emergency care course;
- d. have passed the written examination administered by the National Registry of Emergency Medical Technicians or its agent; and
- e. have passed a practical examination on basic emergency care administered by the Commissioner or an agent of the Commissioner.

2. An applicant need not have successfully completed a basic emergency care course if the applicant:

- a. holds a current Advanced Red Cross First Aid card;
- b. has successfully completed continuing education in basic emergency care;

## 7 MCAR § 1.542

c. has served as a full-time or volunteer ambulance driver or attendant or rescue squad member for one year immediately prior to submission of the application;

d. has passed the written examination administered by the National Registry of Emergency Medical Technicians or its agent; and

e. has passed a practical examination on basic emergency care administered by the Commissioner or an agent of the Commissioner.

3. Applicants who are or have been licensed or registered in a state other than Minnesota may be registered pursuant to these rules without having met the criteria of MHD 542 A. 1. and A. 2. if they are listed as of the time of submitting their application with the National Registry of Emergency Medical Technicians.

4. An applicant shall not make more than two attempts within the same calendar year to successfully complete either the written examination of the National Registry of Emergency Medical Technicians or the practical examination of the Commissioner.

### B. Renewal registration.

1. An applicant's registration shall expire biennially on his/her birthday unless it is renewed. Each applicant shall be required to renew his/her registration every two years except that following the initial registration date, an applicant shall renew his/her registration no less than 24 months and no more than 36 months if he/she is registered on a date other than his/her birthday. Every applicant shall submit a registration renewal application, on a form provided by the Commissioner, together with a renewal fee for the biennium or part thereof. The information requested by the Commissioner on the registration renewal application shall permit a complete evaluation of each applicant to determine whether the applicant meets the requirements for registration renewal as specified in these rules and any applicable statutes. The Commissioner or his agent may request an applicant to submit additional information as may be necessary to determine the applicant's qualifications for renewal. Applications submitted after the applicant's birthday must be accompanied by the late fee together with all other information required by this rule.

2. For registration renewal each registrant shall submit evidence of successful completion of 24 clock hours of continuing education in basic emergency care.

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## PROPOSED RULES

### 7 MCAR § 1.542

3. Applicants who have permitted their registrations to expire for more than 90 days may regain registration when they:

a. successfully complete a basic emergency care course;

b. be listed as of the time of submitting their applications with the National Registry of Emergency Medical Technicians; and

c. Have been employed as a full-time or volunteer ambulance driver or attendant for one year immediately prior to submission of the renewal application.

Applicants who cannot meet the requirements set forth above in MHD 542 B. 3. must meet requirements of MHD 542 A. for initial registration application.

#### C. Application fees.

Fees to be submitted with initial or renewal applications shall be as follows:

1. Initial application fee: \$30.00.

2. Renewal application fee: \$30 or \$2 if registrant is a volunteer ambulance driver or attendant.

3. Penalty fee for submission of renewal application after registration date: \$10.

#### D. Denial of registration; disciplinary actions.

1. Upon receipt of a complaint or other communication, whether oral or written, which alleges or implies the existence of a ground for denial of registration or disciplinary action as specified in MHD 542 E. 2., the Commissioner or Council may initiate an investigation. In so doing, the Council may request the registrant to appear before it to determine the merits of the situation in question. In each case the Council shall make a recommendation to the Commissioner as to whether proceedings under the Administrative Procedures Act would be appropriate and should be initiated.

2. The Commissioner may refuse to grant or renew a registration, suspend or revoke a registration, or use any reasonable lesser remedy against a registrant for any of the following reasons:

a. submission of false or misleading information or credentials in order to obtain or renew registration;

b. failure to meet the requirements for initial or renewal registration;

c. incompetency, or inappropriate conduct in the performance of basic emergency care services or related functions.

3. Disciplinary actions shall comply with the provisions of the Administrative Procedure Act, Minn. Stat. ch. 15 (1976, as amended).

4. Upon revocation or suspension, the registrant shall return to the Commissioner the registration and current renewal certificates.

5. A registrant who has had his registration revoked shall not be entitled to apply for reregistration until at least one year following the effective date of the revocation or such longer period of time specified by the Commissioner at the time of such revocation.

6. A suspended registration may be reinstated upon fulfillment of the terms of suspension; provided, however, that all requirements of the rules for registration renewal, if applicable, shall be met prior to reinstatement.

### 7 MCAR § 1.543 The Emergency Medical Technicians Advisory Council.

A. Membership. The Council shall consist of seven members appointed by the Commissioner as follows:

1. two public members as defined by Minn. Stat. § 214.02 (1976 as amended);

2. one EMT representative of salaried full-time ambulance personnel;

3. one EMT representative of volunteer or part-time ambulance personnel;

4. two physicians who are knowledgeable in the national, regional and local development in the area of EMT training. One shall be from a metropolitan hospital and the other from an out-state hospital.

5. One full-time registered nurse employed in an emergency department of a hospital.

At least one of those persons referenced in MHD 543 A. 4. and 5. shall be actively involved in the education of EMTs.

B. Organization, duties and responsibilities.

1. The Council shall be organized and administered under the provisions of Minn. Stat. § 15.059 (1976, as

# PROPOSED RULES

amended) and the Commissioner's policies relating to advisory councils.\*

2. The Council shall:

a. advise the Commissioner regarding EMT registration rules;

b. advise the Commissioner on the enforcement of the EMT rules;

c. provide for the dissemination of information regarding EMT registration standards;

d. assess the qualifications of each applicant before recommending credentialing to the Commissioner; and

e. perform such other duties as directed by the Commissioner not inconsistent with these rules.

7 MCAR § 1.544-1.545 Reserved for future use.

## Department of Natural Resources Boat and Water Safety Division Proposed Amendment of Rules Governing the Lower St. Croix Water Surface Use

### Notice of Hearing

A public hearing on the above captioned rule amendments will be held on July 6, 1978, beginning at 7:30 p.m. in the auditorium of the Stillwater senior high school, 823 West Marsh Street, Stillwater, Minnesota.

The State of Wisconsin has just adopted permanent rules for Lower St. Croix water surface use, to replace their temporary rules which expired last fall. The permanent Wisconsin rules (NR 5.30 through 5.36) took effect May 25. They are quite similar to but not identical to the existing Min-

\*The Commissioner's policies concern only internal management which do not directly affect the rights of or procedures available to the public and are therefore not subject to rule-making.

NR 2220

Minnesota rule NR 2220. The proposed amendments will eliminate the differences by making the following changes:

1. shortening the slow zone at Hudson four-tenths of a mile, by moving the southern end of the zone upstream from the I-94 bridge to the southern end of the narrows itself;

2. changing the speed limit in the four existing slow zones in Lake St. Croix and within 100 feet of shore, islands and swimmers to the traditional slow-no-wake definition;

3. adding a slow-no-wake zone at approximately river mile 28.6, which is four-tenths of a mile below the Arcola bridge.

All interested persons will have an opportunity to participate in the hearings. Statements may be made orally and written materials may be submitted at the hearings. In addition, written materials may be submitted to hearing examiner Howard Kaibel at the Office of Hearing Examiners, 1745 University Avenue, Saint Paul, Minnesota, 55104, either before the hearing or within five (5) days after the hearing. The hearing will be conducted as described in Minn. Stat. § 15.0412 and the Minnesota Rules HE 101-109.

A free copy of the proposed rules may be obtained by writing to the Department of Natural Resources, Box #6, Centennial Office Building, Saint Paul, Minnesota, 55155. Additional copies will be available at the hearing. A "statement of need and evidence" explaining why the agency feels the proposed rules are necessary and outlining the testimony they will be introducing will be filed with the Office of Hearing Examiners twenty-five (25) days before the hearing and will be available there for public inspection.

Be aware that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking 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, Saint Paul, Minnesota, 55155, phone: (612) 296-5615.

William B. Nye  
Commissioner

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# PROPOSED RULES

NR 2220

## Rule as Proposed

### NR 2220 Lower St. Croix water surface use.

A. Policy and authority. These rules are authorized by Minnesota Statutes section Minn. Stat. § 361.26, subdivision 2, and are promulgated in order to promote the full use by all of the people, now and in the future, of the water surface of the Lower St. Croix River in a manner consistent with safety for persons and property and with the enjoyment of the scenic and recreational values which caused the river to be designated a National Scenic Riverway.

B. Scope. These rules apply to the waters of the Lower St. Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

C. Definitions. For the purpose of these rules the word "shall" is mandatory, not permissive, and certain words or terms shall be interpreted as follows:

1. "Mile" means distance in miles above the confluence of the St. Croix River with the Mississippi River.

2. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

3. "Slow-no-wake" means operation of a motorboat at the slowest possible speed necessary to maintain steerage.

~~3.~~ 4. "Slow Speed" means operation of a motorboat at a leisurely speed, less than planing speed, whereby the wake or wash created by the motorboat is minimal.

~~4.~~ 5. "Watercraft" means any contrivance used or designed for navigation on water other than (i) duck boat during the duck hunting season, (ii) rice boat during the harvest season, or (iii) seaplane.

#### D. ~~Slow~~ Restricted speed zones.

1. No motorboat shall at any time be operated in excess of a slow speed in the following areas: ~~a. From~~ from the dam at Taylors Falls to the sandbars located approximately at mile 31.0.

2. No motorboat shall be operated in excess of a slow-no-wake speed in the following areas:

a. at the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge;

b. between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the ~~eastbound span of the U.S. Interstate Highway #94 Bridge~~ southern-most island in the chain of islands located at approximately mile ~~16.4~~ 16.5;

c. between the Coast Guard navigational buoys designating the Kinnickinnic River Delta Narrows from approximately mile 6.6 to approximately mile 6.0;

d. at the Prescott Narrows from the north side of U.S. Highway #10 Bridge located approximately at mile 0.3 to the confluence of the St. Croix River with the Mississippi River;

e. within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located approximately at mile 31.0 to the confluence of the St. Croix River with the Mississippi River;

~~2.~~ 3. any motorboat designated for law enforcement shall be exempt from provision D. ~~4.~~ of this regulation in circumstances involving emergencies or violation of law.

#### E. Water skiing.

1. No watercraft towing a person on water skis, aquaplane, or similar device shall be operated between sunset and sunrise on the St. Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

2. No watercraft towing a person on water skis, aquaplane, or similar device shall be operated at any time in any zone designated a "~~slow speed zone~~" restricted speed zone under provision D. ~~4.~~ of this regulation; provided, however, that any watercraft launching or landing a person on water skis, aquaplane, or similar device by the most direct route to open water shall be exempt from provision D. 2. (d) of this regulation.

3. From Memorial Day through Labor Day, inclusive, no watercraft towing a person on water skis, aquaplane, or similar device shall operate after 12:00 noon on Saturdays, Sundays, and legal holidays, from the sandbars located approximately at mile 31.0 to the upper end of the federal nine-foot navigation channel approximately at mile 24.5.

F. Penalties. Any person violating any of the provisions of this regulation shall be guilty of a misdemeanor.

G. Effective date. Beginning on Saturday, May 14, 1977, this rule is in effect whenever similar laws or regulations of the State of Wisconsin are in effect for the same reach of the St. Croix River.

# STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

## Department of Economic Security Employment and Training Division

### Notice of Request for Proposals (RFPs) for Consultant Services in Regard to CETA Programs

1. Agency name and address: Minnesota Department of Economic Security, Employment and Training Division, Balance of State Office, 690 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101

2. Contact person: Persons or organizations wishing to receive this Request for Proposal package, or who would like additional information, may write the contracting officer, Roger Villa, at the address provided in Item #1 above, or call (612) 296-6065.

3. Description: A notice for RFP has been issued on June 5, 1978, for the purpose of assessing the present staff organizational patterns and intra-agency relationships as they impact upon the existing monitoring systems for the delivery of Comprehensive Employment and Training Act (CETA) Programs for the fifty-four (54) county Balance of State Prime Sponsor Area.

4. Cost: One award will be granted not to exceed \$8,000.00 in total costs.

5. Final proposal submission date: Proposals must be received by 4:30 p.m. June 26, 1978.

## Department of Health Personal Health Services — Section of Chronic Diseases

### Notice of Request for Proposals for Training of Medical Personnel

A Request For Proposals (RFP) was issued by the Chronic Disease Section, Department of Health, on June 5, 1978, for the purpose of training a minimum of 200 nurses and/or other medical personnel to provide follow-up care, support, and education needed to motivate hypertensive patients to comply with their therapeutic regimen. As many as two grants not to exceed \$24,000 may be awarded to develop and carry out this training program. Proposals must be received prior to 4:30 p.m., June 28, 1978. Persons or organizations wishing to receive this RFP should contact Gerald Twogood, Chronic Disease Section, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Telephone: 612/296-5216.

## Housing Finance Agency

### Notice of Intent to Enter into a Contract for Auditing and Accounting Services

Notice is hereby given that the Minnesota Housing Finance Agency intends to engage the services of a certified public accounting firm to examine and report upon the financial statements of the Agency for the year ended June 30, 1978, and to assist in the preparation of financial data to be included in offering documents related to periodic debt offerings. The estimated amount of the contract is \$38,000 and the contract will be let on or about June 12, 1978.

Any inquiries should be addressed to:

Don Wyszynski  
Director of Finance  
Minnesota Housing Finance Agency  
333 Sibley Street  
St. Paul, Minnesota 55101  
(612) 296-9806

**Department of  
Transportation  
Bureau of Policy and  
Planning**

**Notice of Request for Proposals for a  
Study of the Carbon Monoxide  
Problems in the Metropolitan  
Areas of St. Cloud, Duluth and  
Rochester**

Mn/DOT is seeking responses to a Request for Proposal for the analytical work needed by the 3 metropolitan areas

for developing a control plan as required by the 1977 Clean Air Act Amendments (PL 95-95). The work tasks will be primarily to review existing carbon monoxide and traffic data so as to determine the cause and extent of the pollutant problem; to evaluate and recommend alternate strategies which will lead toward attaining and maintaining the NAAQS for C.O.; to recommend follow up (monitoring) procedures; and to meet with the officials in each area as appropriate. The study must be completed by mid-September 1978. An amount not to exceed \$25,000 is available for this study.

Proposals and inquiries must be submitted to Katheryn Briscoe, Transportation Planner, Bureau of Policy and Planning, Room 820 Transportation Building, St. Paul, Minnesota, 55155, (612) 296-1614.

The Proposal must be received by Mn/DOT by 4:30 p.m. June 19, 1978.



# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Department of Administration Data Privacy Unit

### Notice of Intent to Solicit Outside Opinion Regarding Data Privacy Act

Notice is hereby given that the Department of Administration is drafting rules to implement and enforce the provisions of Minn. Stat. §§ 15.162 through 15.1671, popularly known as the "Minnesota Data Privacy Act." The rules governing implementation and enforcement of the "Data Privacy Act" are authorized by Minn. Stat. § 15.1671.

It is the intent of these rules to provide definitions; to clarify various questions relating to access to governmental data; and to provide procedures and guidelines concerning duties of those authorities in state agencies and political subdivisions responsible for data on individuals.

The Department invites all interested persons or groups to provide information, comments, advice or opinions on the subject in writing to:

Donald A. Gemberling  
Data Privacy Unit  
2nd Floor, State Administration Building  
50 Sherburne Street  
St. Paul, Minnesota 55155

All statements of information or comment must be received by June 26, 1978. Any written material received by the Department will become part of the public hearing record.

## Department of Agriculture Food, Meat and Poultry Division

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Licensing of Certain Coin Operated Food Vending Machines

Notice is hereby given that the Minnesota Department of Agriculture has begun consideration of proposed rules governing the licensing of certain coin operated food vending machines pursuant to Laws of 1978, ch. 502, § 2. In order to adequately determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Bernard J. Steffen, Director  
Food, Meat and Poultry Division  
Minnesota Department of Agriculture  
530 State Office Building  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-2627, and in person at the above address.

All statements of information and comment must be received by July 7, 1978. Any written material received by the department shall become part of the hearing record.

The proposed rules, if adopted, would establish a means of identification of certain coin operated food vending machines required to be licensed by either the Department of Agriculture or home rule charter or statutory cities or counties pursuant to the Act.

Bill Walker  
Commissioner

June 5, 1978

## **Department of Health Emergency Medical Services Section**

### **Filing of Application for Emergency Land Ambulance Service**

On May 19, 1978, the White Earth Reservation Ambulance Service filed application with Warren R. Lawson, M.D., Commissioner of Health, for a license to operate a(an) emergency land ambulance service with a base of operation in Naytahwaush, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subd. 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to Warren R. Lawson, M.D., within the time period outlined by statute.

### **Filing of Application for Emergency Air Ambulance Service**

On May 19, 1978, Mesaba Aviation filed application with Warren R. Lawson, M.D., Commissioner of Health, for a license to operate a(an) emergency air ambulance service with a base of operation in Grand Rapids, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subd. 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license applica-

tion. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to Warren R. Lawson, M.D., within the time period outlined by statute.

### **Notice of Contested Case Hearing Regarding Cokato Ambulance Service**

Notice is hereby given that the Commissioner of Health has determined that a contested case hearing shall be held to determine whether the public convenience and necessity require the Cokato Ambulance Service. This proceeding has been initiated pursuant to and in satisfaction of the requirements of Minn. Stat. § 144.802 and pursuant to the Administrative Procedure Act and the Rules for Contested Cases of the Office of Hearing Examiners, Minn. Rules HE 201-222.

1. It is ordered and notice is hereby given that a hearing will be held on this matter at the Cokato City Hall, Cokato, Minnesota 55321, on July 11, 1978 commencing at 7:30 p.m. All interested persons are hereby urged to attend. Failure to do so may affect your rights in this matter. The issues to be determined are whether the public convenience and necessity require the Cokato Ambulance Service and whether or not an Ambulance Service license should be granted to this Service.

2. Ms. Natalie Gaull, Minnesota Office of Hearing Examiners, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104 (telephone: 612/296-8114) will preside at this hearing.

3. Any party will be given opportunity to be heard orally, to present witnesses and to submit evidence, written data, statements or arguments in these proceedings. The hearing and the decision will be controlled by the Administrative Procedure Act and the Rules of the Minnesota Office of Hearing Examiners, Minn. Rules HE 201-222. The Commissioner of Health will request that the Chief Hearing Examiner assign a court reporter to transcribe the testimony taken at the hearing.

4. The Hearing Examiner may hear testimony and receive exhibits from any person at the hearing, or allow a person to note his appearance, but no person shall become, or be deemed to have become, a party by reason of such participation.

5. All parties are hereby informed of their right to be represented by counsel in these proceedings.

## OFFICIAL NOTICES

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6. William G. Miller, Special Assistant Attorney General, 232 Minnesota Health Department Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, (612) 296-5500, or Lois Des Parte, Section of Emergency Medical Services, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, (612) 296-5281, may be contacted for further information on this matter, for discovery pursuant to Minn. Rule HE 214, or for an explanation of the process by which one can intervene as a party in this matter.

### **Department of Natural Resources Waters Division**

#### **Notice of Intent To Solicit Outside Opinion Concerning Water Appropriation Rules**

The Department is drafting rules relating primarily to Minn. Stat. §§ 105.41, 105.416, and 105.44, subd. 8. They provide standards for granting and denying permits to take water from waterbasins, watercourses, and underground in amounts exceeding 10,000 gallons in any one day or 1,000,000 gallons per year.

A citizens' task force is advising the Department during

the drafting stage, but information and opinion is welcome from all. Write Dan Knuth, Department of Natural Resources, Box 32, 658 Cedar Street, St. Paul, Minnesota 55155, or call him at 296-4800.

### **Soil and Water Conservation Board Notice of Special Meeting**

The State Soil and Water Conservation Board will meet on Tuesday, June 20, 1978 at 1:00 p.m. in the Winona Holiday Inn, Winona, Minnesota to hear public comment on the proposed consolidation of the Winona and Burns-Homer-Pleasant Soil and Water Conservation Districts.

### **Teachers Retirement Association Board of Trustees Meeting**

The Board of Trustees, Minnesota Teachers Retirement Association, will hold a meeting on Thursday, June 29, 1978, at 9:30 a.m. in the office of the Association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may properly come before the Board.

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