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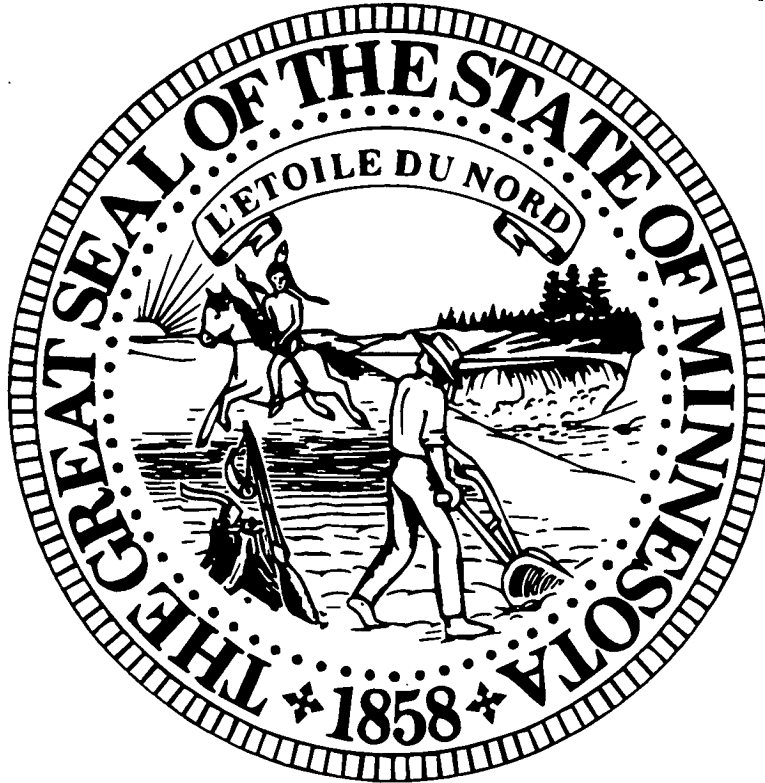
# State Register

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# State Register

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
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# 46	Monday 12 May	Monday 28 April	Monday 5 May
# 47	Monday 19 May	Monday 5 May	Monday 12 May
# 48	Tuesday 27 May	Monday 12 May	Monday 19 May

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

## Minnesota Rules: Amendments & Additions

Volume 21, issues #41-45 (issues #1-40 cumulative appeared in issue #40) ..... 1582

## Proposed Rules

### Nursing Board

Program approval..... 1583

## Expedited Emergency Rules

### Natural Resources Department

Adopted expedited emergency game and fish rule:  
waters closed to taking fish; designated special management waters ..... 1590

## Withdrawn Rules

### Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

Withdrawal of proposed rules on continuing education ..... 1592

## Official Notices

### Agriculture Department

Rural Finance Authority board meeting May 7, 1997 canceled ..... 1592  
Special local need registration for Penncap-M insecticide .... 1592

### Children, Families and Learning Department

Vacancy and positions available on advisory committees for Minnesota Resource Centers for blind/visually impaired and deaf/hard of hearing..... 1593

### Minnesota Comprehensive Health Association

Meeting May 8, 1997 of the Executive Committee..... 1593

### Minnesota Health Care Commission

Availability of preliminary Health Technology Advisory Committee (HTAC) evaluation report on "Universal Newborn Hearing Screening;" and solicitation of written comments ..... 1593

### Health Department

Essential community provider designation..... 1594

### Housing Finance Agency

Hearing on rental housing bond issue..... 1596

### Labor & Industry Department

Prevailing wage certifications for commercial construction projects..... 1596

### Secretary of State

Vacancies in multi-member agencies ..... 1597

## Transportation Department

Petitions for variance from state aid requirements by:  
City of Minnetonka for design standards ..... 1600  
Lincoln County for design speed..... 1600

## Public Utilities Commission

Comments sought on planned promulgation of rules on the competitive provision of local telephone service in areas served by local telephone companies with less than 50,000 subscribers ..... 1601

## State Grants & Loans

### Labor and Industry Department

Availability of labor education advancement program grants and request for proposals ..... 1621

### Public Safety Department

Minnesota Auto Theft Prevention Program grants to community and government units for auto theft prevention..... 1622

## Professional, Technical & Consulting Contracts

### Human Services Department

Proposals sought by the Moose Lake Regional Authority for chaplaincy services ..... 1623  
psychiatric consulting services ..... 1624

### Natural Resources Department

Professional/technical services sought from illustrators, graphic artists, or qualified individuals to create original black and white, pen and ink illustrations ..... 1626

### Trade and Economic Development Department

Minnesota Tourism Office seeks proposals for the state tourism advertising contract ..... 1627

## Non-State Public Bids, Contracts & Grants

**Minnesota Workers' Compensation Assigned Risk Plan**  
Proposals sought for collection services..... 1628

Commodity, Service and Construction contracts are published in a bulletin, the *State Register Contracts Supplement*, published Tuesday, Wednesday and Friday. Award results are available from the Materials Management Helpline 612/296-2600.

Professional, Technical and Consulting contract awards are published monthly in an *Awards Report*.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

# Minnesota Rules: Amendments and Additions

**NOTICE: How to Follow State Agency Rulemaking in the State Register**

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

**Volume 21, issues #41-45 (issues #1-40 cumulative appeared in issue #40)**

**Agriculture Department**

1562.0800 (proposed) ..... 1489  
 1562.0800 s.1 (proposed repealer)..... 1489

**Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design Board**

1800.0200; .0300; .0400; .0500; .0600; .0800; .0900; .1000; .1100; .1200; .1500; .1600; .1700; .1900; .2100; .2200; .2500; .2600; .2700; .2800; .2900; .4000; .4100; .5100; .5200; .5800 (adopted)..... 1427  
 1800.0700; .0900 s.2; .1000 s.8; .1100 s.3; .2000; .2300; .2500 s.3; .2700 s.4; .2900 s.3; .5700 (repealed)..... 1427  
 1810.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100 (proposed)..... 1451  
 1810.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100 (withdrawn)..... 1592

**Dietetics and Nutrition Practice Board**

3250.0100; .0110; .0120; .0125; .0130; .0135; .0140; .0145; .0150 (proposed)..... 1491

**Environmental Quality Board**

4410.0200; .0400; .0500; .1200; .1300; .1400; .1700; .2100; .2300; .2400; .2500; .2800; .3100; .3610; .4000; .4300; .4400; .4600; .5200; .6100; .6200; .6410; .6500 (proposed)..... 1458  
 4410.0200 s.19,20,21,31,83; .3200; .6100 s.3; .6300; .6400; .6500 s.2,3,4,5,7 (proposed repealer)..... 1458

**Health Department**

4717.7000; 4730.0100; .0300; .0400; .1000; .1120; .1130; .1210; .1510; .1520; .1640; .2510; .2520; .2530; .2540; .2550; .2560; .2570; .2580; .2710; .2750; .3500; .3610 (proposed)..... 1532  
 4730.0100; s.111; .2500; .2700; .2900; .3605 (proposed repealer) ... 1532

**Housing Finance Agency**

4900.0010 (proposed) ..... 1456

**Labor and Industry Department**

5205.0010 (proposed) ..... 1562  
 5205.0100; .0110; .0116; .0660; .0675; .1030; 5207.0035; .0040; .0310; .0600; .0800; .0850; .0900 (proposed exempt)..... 1460  
 5205.0110 s.2 (proposed exempt repealer)..... 1460

**Natural Resources Department**

6216.0350; .0370 (adopted expedited emergency) ..... 1502  
 6262.0500; 6264.0400 (adopted expedited emergency)..... 1590

**Nursing Board**

6301.0600; 6305.0100; .0300; .0500; .0600; 6310.2800; .2900; .3100; .3200; .3500; .3600; .3700; 6330.0350; (proposed)..... 1583

**Nursing Home Administrators Board of Examiners**

6400.5000; .5100; .5200; .6100; .6400; .6500; .6560; .6570; .6600; .6650; .6660; .6700; .6710; .6720; .6730; .6740; .6750; .6760; .6770; .6800; .6850; .6870; .6900; .6970 (adopted)..... 1564  
 6400.0100; .0200; .0300; .0400; .0450; .0500; .0600; .0700; .0800; .0900; .1000; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2200; .2400; .2500; .2900; .3000; .3100; .3200 (repealed).. 1564

**Gambling Control Board**

7861.0020; .0030; .0040; .0050; .0120 (proposed)..... 1494

**Office of Environmental Assistance**

9210.0800; .0805; .0810; .0815; .0820; .0825; .0830; .0835; .0840; .0845; .0880; .0855 (proposed)..... 1523  
 9205.0100; .0110; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0400; .0410; .0420; .0425; .0430; .0432; .0435; .0445; 9210.0400; .0410; .0420; .0425; .0435; .0440; .0450; .0460; .0500; .0510; .0520; .0530; .0540; .0550; .0560; .0570; .0600; .0610; .0615; .0620; .0625; .0630; .0635; .0640; .0645; .0700; .0710; .0720; .0730; .0740; .0770; .1000; .1010;

# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Board of Nursing

### Proposed Permanent Rules Relating to Program Approval

#### Notice of Intent to Adopt Rules Without a Public Hearing

**In the Matter of the Proposed Adoption of Rules of the Board of Nursing Governing Program Approval; Authorization to Practice Nursing; Requirements for Licensure without Examination; Application; Nullification; Registration Renewal Requirements; Registration Renewal Procedures; Verification of Minnesota License; Registration Fees; Dishonored Checks; and Professional Nursing Organizations with Authority to Certify.**

The Minnesota Board of Nursing (hereinafter "Board") intends to adopt and amend permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules. You may also, within 30 days, submit a written request that a hearing be held on any of the proposed rules other than those pertaining to fees. A hearing is not required and will not be held on the proposed rule regarding fees. *Minnesota Statutes*, section 214.06, subd. 3 (1996).

**Board Contact Person:** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Sandra J. MacKenzie  
Assistant Director  
Minnesota Board of Nursing  
2829 University Avenue SE, Suite 500  
Minneapolis, Minnesota 55414  
Telephone: (612) 642-0572 Facsimile: (612) 617-2190

**Subject of Rules and Statutory Authority:** The proposed rules relate to program approval, authorization to practice nursing, requirements for licensure without examination, application, nullification, registration renewal requirements, registration renewal procedures, verification of Minnesota license, registration fees, dishonored checks and professional nursing organizations with authority to certify. *Minnesota Statutes*, section 148.191, subd. 2 authorizes the Board to adopt and revise rules as necessary to carry into effect the provisions of sections 148.171 to 148.285. The advanced practice rules are authorized by *Minnesota Statutes*, section 62A.15, subd. 3a. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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**Comments:** You have until 4:30 p.m., June 4, 1997, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and received by the board contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reasons for your comments, and any change that you propose.

**Request for a Hearing:** In addition to submitting comments, you may also request that a public hearing be held on the rules, other than those pertaining to fees. Your request for a public hearing must be in writing and must be received by the board contact person by 4:30 p.m., June 4, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the board for determining whether a public hearing must be held. You are also encouraged to state the reason for the request, and any changes that you recommend to the proposed rules.

**Withdrawal of Requests:** If 25 or more persons submit written requests for a hearing, a public hearing will be held, unless a sufficient number withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the board must give written notice of this to all persons who requested a hearing, explain the actions the board took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. Pursuant to *Minnesota Statutes*, section 214.06, subd. 3 (1996), no public hearing will be held on the proposed fee changes.

**Alternative Format:** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the board contact person at the address or telephone number listed above.

**Modifications:** The proposed rules may be modified as a result of public comment, if such modification is supported by the information and comments submitted to the board and does not result in substantial change from the proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness:** A statement of need and reasonableness is now available from the board contact person. This statement contains a summary of the justification for the proposed rules including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A copy may be obtained from the board at the cost of reproduction.

**Adoption and Review of Rules:** If no hearing is required the board may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the board to receive notice of future rule proceedings, submit your request to the board contact person listed above.

Dated: 21 April 1997

Joyce M. Schowalter  
Executive Director

### 6301.0600 APPLICATION FOR PROGRAM APPROVAL.

Subpart 1. **Content.** An application for approval of either a practical or professional program must meet each of the following requirements:

- A. The application must be on a board supplied form and must contain current and accurate information.
- B. The information in the application must be confirmable by survey.
- C. The application must be signed by the director and by another official representative of the controlling body.

D. Before the board acts upon the application, the application must include evidence that the proposal to establish the program has been favorably reviewed by ~~the Minnesota Higher Education Services Office, and a designated review board, if existent, for private postsecondary educational institutions, or, in the case of public postsecondary educational institutions, that authorization to conduct the program has been received to conduct the program from a state agency such as the Department of Children, Families, and Learning for Technical Colleges, State Board for Community Colleges, State University Board, from the Minnesota State Colleges and Universities Board of Trustees or the University of Minnesota Board of Regents.~~

E. The application must include evidence of readiness to comply with each of the following parts: 6300.1000; 6301.1300, for the first year faculty only; 6301.1400, for first year nursing courses and student evaluations only; 6301.1500 and 6301.1600, for first quarter, first semester, or first term only; 6301.1700; and 6301.1800 to 6301.2200, for first quarter, first semester, or first term for which evaluations of students' nursing abilities are planned.

F. The application must include a detailed written description of how the program will comply with each of the following parts: 6301.1100; 6301.1200, if applicable; 6301.1400 to 6301.1600, during all nursing courses; and 6301.1800 to 6301.2200, before the first student completes the program.

G. The board shall waive all or part of the sequence for evidencing compliance specified in item F and in 6301.0700, subpart 1, if the application satisfactorily meets parts 6301.1000 to 6301.2200.

[For text of subs 2 and 3, see M.R.]

#### **6305.0100 DEFINITIONS.**

[For text of subpart 1, see M.R.]

Subp. 1a. **Acceptable nursing practice.** "Acceptable nursing practice" means employment or volunteer nursing in any setting; ~~participation in clinical nursing courses, or any combination of these activities.~~ Employment includes those positions for which the individual is required to be a nurse. For professional nursing practice, the practice must have included one or more of the functions defined in *Minnesota Statutes*, section 148.171, paragraph (3). For practical nursing practice, the practice must have included one or more of the functions defined in *Minnesota Statutes*, section 148.171, paragraph (5).

[For text of subs 2 to 22, see M.R.]

#### **6305.0300 AUTHORIZATION TO PRACTICE NURSING.**

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Permit to practice nursing without direct supervision.** The board shall grant an applicant who is not the subject of a pending investigation or disciplinary action a permit to practice nursing that does not require direct supervision if the applicant:

- A. submits the licensure application and licensure fee;
- B. is licensed in another jurisdiction or Canadian province by an examination acceptable to the board;
- C. applies for a permit to practice on a form obtained from the board; ~~and~~

D. submits evidence of licensure and current eligibility to practice in another jurisdiction or Canadian province. Evidence of licensure and eligibility to practice may include, but is not limited to, a ~~notarized~~ copy of the document from another jurisdiction or Canadian province that authorizes current practice, an official statement from another jurisdiction or Canadian province that the applicant is currently authorized to practice, or an official statement from another jurisdiction or Canadian province that the licensure examination was passed and that the applicant is authorized to practice pending licensure; and

- E. has graduated from a nursing program approved for the type of license for which the application has been submitted.

Subp. 7. **Length of permits.** The permit authorizing practice under the direct supervision of a registered nurse expires 60 days from the date of issue or upon the applicant's notification by the board of failure on the examination, whichever occurs first. The board may extend this permit if the applicant has come under investigation by the board after the issuance of the initial permit until the matter is resolved for the applicant.

The permit authorizing practice without direct supervision expires ~~six~~ 12 months after the date of issue; ~~but the board shall extend this permit if licensure cannot occur because of a processing delay by another nurse licensing agency.~~ The board may extend the permit if the applicant has come under investigation by the board after the issuance of the initial permit until the matter is resolved for the applicant.

[For text of subs 8 and 9, see M.R.]

#### **6305.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.**

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Current nursing education or acceptable nursing practice.** An applicant who has engaged in acceptable nursing practice as defined in part ~~6310.2600~~ 6305.0100, subpart 1a, who has graduated from an approved nursing program, or who has completed a degree program with a major in nursing during the two years immediately preceding application for licensure is exempt from the continuing education requirements in subpart 8. Verification of acceptable nursing practice must be submitted to verify practice dates. If the applicant was employed by an institution or agency, an employer shall complete the verification. In lieu of an employer, a patient, volunteer supervisor, patient's family or physician, ~~instructor,~~ or peer can verify acceptable nursing practice. If the applicant supplies a written statement that verification cannot be obtained because the institution or agency no longer has the relevant records or the institution or agency has gone out of business, the last date of employment shall be accepted from the applicant. An affidavit of graduation or evidence from the nurse licensing agency in another jurisdiction or Canadian province must be submitted to verify the graduation date.

**KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

Subp. 8. **Continuing education.** An applicant who has not engaged in acceptable nursing practice within the two years preceding receipt by the board of the application for licensure must comply with items A to D.

A. The applicant must report the number of months since the last date of acceptable nursing practice.

B. The applicant must submit a verification of acceptable nursing practice. If the applicant was employed by an institution or agency, an employer shall complete the verification. In lieu of an employer, a patient, volunteer supervisor, patient's family or physician, ~~an instructor~~, or a peer may verify acceptable nursing practice. If the applicant supplies a written statement that verification cannot be obtained because the institution or agency no longer has the relevant records or the institution or agency has gone out of business, the last date of employment shall be accepted from the applicant.

C. The applicant must participate in and report participation in acceptable continuing education as specified in part 6310.2800, subparts 3, items A, B, C, E, and F, and 5. If the applicant has not engaged in acceptable nursing practice for ten years or more, the applicant must successfully complete a refresher course or refresher course equivalent as defined in part 6310.2600, subpart 9d. The refresher course or refresher course equivalent must include a clinical component. If the length of the refresher course or its equivalent is less than the hours required in item D, other acceptable continuing education must be completed to meet the hour requirement. The applicant shall participate in the continuing education or complete the refresher course or the refresher course equivalent within the 24 months immediately preceding board action on the application for licensure.

D. The applicant must complete the required number of contact hours of continuing education. The registered nurse must complete one contact hour of acceptable continuing education for each month that the applicant was not engaged in acceptable practice. The licensed practical nurse must complete one contact hour for every two months that the applicant was not engaged in acceptable practice. The maximum hours required are 150 hours for a registered nurse applicant and 75 hours for a licensed practical nurse applicant. The continuing education must be reported on the form provided by the board.

If the applicant is required to successfully complete a refresher course or its equivalent, the applicant shall report the successful completion of the refresher course or refresher course equivalent on an affidavit provided by the board. The affidavit must be signed by the refresher course provider, the preceptor, the instructor, an official of the nursing program, or the employer.

[For text of subps 9 to 12, see M.R.]

Subp. 13. **Insufficient score.** An applicant for licensure whose examination score does not meet the Minnesota score requirement in subpart 11 or 12 must write successfully take the current examination currently used in Minnesota, achieve the passing score established for the current examination, and meet the requirements in part 6305.0400, subparts 2, 10, 11, and 12 for licensure. The applicant must meet the requirements in subpart 14.

[For text of subp 14, see M.R.]

### 6305.0600 APPLICATION NULLIFICATION.

Subpart 1. **Licensure by examination.** The board will nullify an application for licensure by examination if the applicant:

A. did not take the examination within one year following submission of a licensure application and fee; or

B. did not apply to retake the examination within eight months after the last examination failed and did not retake the examination within 12 months after the last examination failed.

The board will not nullify an application if it agrees on a different action during a disciplinary proceeding.

Subp. 2. **Licensure without examination.** The board will nullify an application for licensure without examination if the applicant fails to complete the application process within one year after submission of the application ~~or within one year after notification by the board of a deficiency.~~

[For text of subps 3 and 4, see M.R.]

### 6310.2800 REGISTRATION RENEWAL REQUIREMENTS.

[For text of subps 1 to 5, see M.R.]

Subp. 6a. **Deadline for submission.** The registration renewal application, registration renewal fee, and continuing education report must be received in the board office on or before the last day of the month preceding the licensee's registration expiration. This receipt deadline is referred to as the application deadline. If the application deadline falls on a weekend or holiday, receipt by the board on the following business day constitutes timely submission.

If the licensee's registration renewal application is, registration renewal fee, and continuing education report are received in the board office after the application deadline, a late application fee is required. If the application is received after the licensee's registration expires, the applicant is not eligible for renewal of registration. If the registration expiration date falls on a weekend or holiday, receipt by the board on the following business day constitutes timely submission. However, the licensee may not practice nursing after the registration expiration date until registration renewal requirements have been met as specified in this part.



[For text of subs 7 to 9, see M.R.]

**Subp. 11. Exemption from renewal of registration.** A licensee who is in the armed forces of the United States or is employed outside the United States in employment which is essential to the prosecution of any war or the national defense, and whose registration was in effect at the time of entry into the armed forces or engagement in employment outside the United States, is not obligated to renew registration. The board must be notified in writing by the licensee regarding the qualifications for this exemption. The exemption ceases six months after discharge from active duty or termination of the aforementioned employment. A registration renewal application shall be sent to the licensee who has applied for the exemption at the time that a registration renewal application would normally be sent to the licensee. The licensee has the responsibility to reconfirm exempt status. If the licensee no longer qualifies for the exemption, the requirements for registration renewal must be met. The required number of contact hours are calculated based on the number of months since the exemption ceased to the month of the registration renewal application deadline and according to the ratio specified in subpart 3.

#### **6310.2900 REGISTRATION RENEWAL PROCEDURES.**

[For text of subs 1 to 3, see M.R.]

**Subp. 4. Application deadline.** The application and fee must be received in the board office by the last day of the month preceding the month in which the licensee's registration expires. If the last day of the month falls on a weekend or holiday, the application must be received in the board office by the next working day. If the application and fee are received after the deadline, the board shall return the application and fee to the licensee. The licensee shall pay the late application fee, the amount specified in part 6310.3600, subpart 1. If the application and fee are received after the expiration of registration, the board shall return the renewal application and fee. The board shall mail a reregistration application to the licensee. If the expiration date falls on a weekend or holiday, receipt by the board on the following business day constitutes timely submission. However, the licensee may not practice nursing after the expiration date until registration renewal requirements have been met.

[For text of subs 5 to 10, see M.R.]

#### **6310.3100 REREGISTRATION REQUIREMENTS.**

[For text of subpart 1, see M.R.]

##### **Subp. 2. Fee Fees.**

**A.** The fee for reregistration is the current registration renewal fee. ~~In addition,~~

**B.** The late application fee is applicable if the licensee's registration expired within the two years preceding submission of the reregistration application unless the licensee has been licensed and is practicing nursing in another jurisdiction or country.

**C.** In addition to the fee in item A and when applicable the fee in item B, the penalty fee for practicing nursing without current registration is also applicable if the licensee practiced nursing in Minnesota after expiration of the licensee's registration.

**D.** For purposes of calculating the penalty fee for practicing nursing without current registration, the number of calendar months, or parts of months, of practice shall be calculated from the date of expiration of the most recent registration period to the date of last nursing practice.

[For text of subs 2a to 8, see M.R.]

**Subp. 13. Disciplinary action.** Nothing in this part shall be construed as preventing the board from proceeding with disciplinary action pursuant to Minnesota Statutes, section 148.261. Reasons for the board to proceed with disciplinary action include, but are not limited to, practicing nursing without current registration for more than two years, repeated occurrences of practicing nursing without current registration, or willfully practicing nursing without current registration.

#### **6310.3200 REREGISTRATION PROCEDURES.**

[For text of subpart 1, see M.R.]

**Subp. 2. Fee Fees.** The licensee shall submit the registration renewal fee, the late application fee when applicable and any penalty fee for practicing without current registration, with the application for reregistration. The fee or fees must be payable to the Minnesota Board of Nursing. The board shall return the fee or fees if ~~it is~~ they are received without an application or if ~~it is~~ they are made out incorrectly. If the requirements for reregistration are not met, the ~~fee is~~ fees are not refundable.

**KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

[For text of subp 3, see M.R.]

Subp. 4. **Acceptable nursing practice requirement.** Verification of acceptable nursing practice must be reported on a form provided by the board or in a statement submitted in writing which includes the information required by the board on the verification of practice form. It must be completed by the individual best able to verify the licensee's practice. If the licensee was employed by an institution or agency, an employer shall complete the verification. In lieu of an employer, a patient, volunteer supervisor, patient's family or physician, ~~instructor~~, or peer may verify acceptable practice. If the applicant supplies a written statement that verification cannot be obtained because the institution or agency no longer has the relevant records or went out of business, the last date of employment shall be accepted from the applicant.

[For text of subps 5 to 7, see M.R.]

Subp. 8. **Nullification and reapplication.** The board shall nullify an incomplete reregistration application if the licensee fails to complete the application process within one year after submission of the application ~~or within one year after notification by the board of a deficiency.~~

For a nullified application, the registration renewal fee and the late application fee when applicable shall be forfeited and the application and other documents may be destroyed according to *Minnesota Statutes*, section 138.17, subdivision 7. If a licensee fails to submit an application and fee within six months after the board received any other documents relating to the application, the board may destroy the documents.

If a licensee whose application has been nullified wants to be reregistered, a new reregistration application must be submitted and all applicable reregistration requirements must be met.

[For text of subp 9, see M.R.]

### 6310.3500 VERIFICATION OF MINNESOTA LICENSE.

Subpart 1. **Verification of licensure.** A licensee wishing a certified statement of licensure status sent to another United States jurisdiction or foreign country or to any other third party may, upon written request and payment of a fee, have a certified statement of Minnesota licensure status issued to the Board of Nursing, other official agency empowered to issue nursing licenses in the other jurisdiction or country or a third party. A duplicate shall be printed without charge if requested by the nurse within six months of issue but not before two months from the date of issue.

[For text of subps 1a and 2, see M.R.]

### 6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

- A. registration renewal, \$55 per registration period;
- B. late application, \$30;
- C. replacement license, \$20;
- D. replacement registration certificate, \$5;
- E. verification of licensure status, \$20;
- F. verification of examination scores, \$20;
- G. a copy of licensure application materials, \$20; ~~and~~
- H. service charge for a dishonored check, \$20; ~~and~~

I. penalty for practicing nursing without current registration, two times the amount of the current registration renewal fee for any part of the first calendar month, plus the current registration renewal fee for any part of any subsequent month up to 24 months. The fee shall be paid in the form of a certified check or money order.

Subp. 2. **Nonrefundable.** All fees are nonrefundable.

### 6310.3700 DISHONORED CHECKS.

Subpart 1. **Service charge.** If a licensee submits a dishonored check for any of the fees required in ~~parts 6310.2800, subparts 1, 4, and 5; 6310.3100, subparts 2, items C and D; 6310.3400, subparts 1 and 2; and 6310.3500, subparts 1, 1a, and 2~~ part 6310.3600, subpart 1, items A to G; 6316.0200, subpart 3; 6340.0300, subpart 3; 6340.0400, subpart 4; or 6340.0500, subpart 3, a service charge ~~will shall~~ be assessed in keeping with *Minnesota Statutes*, section 332.50, subdivision 2.

Subp. 2. **Nullified registration and prescribing authority.** Nonreplacement of a dishonored check for the fees required in ~~parts 6310.2800, subparts 1, 4, and 5, and 6310.3100, subpart 2, items C and D~~ for renewal of registration or for reregistration and nonpayment of the service charge ~~will shall~~ result in a nullified registration. Nonreplacement of a dishonored check for the fee required for prescribing authority and nonpayment of the service charge shall result in the nullification of prescribing authority.

Subp. 3. **Additional fee.** Nonreplacement of a dishonored check for the fees required in ~~parts 6310.3400, subparts 4 and 2 and 6310.3500, subparts 1, 1a, and 2~~ part 6310.3600, subpart 1, items C to G; 6316.0200, subpart 3; or 6340.0400, subpart 4, and non-payment of the service charge will result in the amounts being added to the next fee the licensee must pay.

**6330.0350 PROFESSIONAL NURSING ORGANIZATIONS WITH AUTHORITY TO CERTIFY.**

The following organizations meet the criteria in part 6330.0300 and have the authority to certify registered nurses in the advanced nursing practice categories listed:

- A. American Association of Nurse Anesthetists Council on Certification and Council on Recertification: nurse anesthetist.
- B. American College of Nurse-Midwives Certification Council: nurse midwife.
- C. American Nurses Credentialing Center:
  - (1) nurse practitioner:
    - (a) gerontological nurse practitioner;
    - (b) adult nurse practitioner;
    - (c) family nurse practitioner;
    - (d) school nurse practitioner;
    - (e) pediatric nurse practitioner; and
    - (f) acute care nurse practitioner.
  - (2) clinical specialist in psychiatric and mental health nursing:
    - (a) clinical specialist in adult psychiatric and mental health nursing;
    - (b) clinical specialist in child and adolescent psychiatric and mental health nursing.
- D. National Certification Board of Pediatric Nurse Practitioners and Nurses: pediatric nurse practitioner.
- E. National Certification Corporation for the Obstetric, Gynecologic and Neonatal Specialties:
  - (1) women's health care nurse practitioner; and
  - (2) neonatal nurse practitioner.
- F. American Academy of Nurse Practitioners:
  - (1) adult nurse practitioner; and
  - (2) family nurse practitioner.

**KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; Waters Closed to Taking Fish; Designated Special Management Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, section 97A.045, subdivision 2.

Dated: 25 April 1997

Rodney W. Sando  
Commissioner of Natural Resources

By: Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

#### 6262.0500 WATERS CLOSED TO TAKING FISH.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. **Waters closed to possession of fish.** The following waters have restrictions on the possession of fish:

[For text of items A and B, see M.R.]

C. Otter Tail River from the Wilkin County Road 19 crossing in S.26, T.132, R.45 to the Friberg Dam in S.31, T.134, R.42, including the Orwell, Dayton Hollow, Pisgah, Central, and Diversion impoundments, S.25, 26, 35, 36, T.132, R.45, in Wilkin county and S. Various, T.132-134, R.42-44, in Otter Tail county, is closed to the possession of smallmouth bass.

Anglers must immediately return to the water the fish species noted for each water. It shall be unlawful for anyone to have in possession or under control, regardless of where taken, fish species noted for each water while on or fishing on these waters. Possession includes personal possession and possession in a vehicle.

#### 6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Mille Lacs Lake special management regulations.** All walleye in possession while on or fishing in Mille Lacs Lake, must be 15 inches or greater in length. All walleye less than 15 inches must be immediately returned to the water. A person's possession limit may not include more than one walleye over 20 inches in length. Mille Lacs Lake is closed to the taking of fish between the hours of 10 p.m. and 6 a.m. daily during the period commencing at 10 p.m. on the Monday following the Saturday two weeks prior to the Saturday of Memorial Day weekend and ending at 12:01 a.m. on Monday, four weeks after the date of commencement. During the above referenced closure, no person shall be on the waters of Mille Lacs Lake while having in possession any equipment whereby fish may be taken. Spearing is prohibited from December 1 through April 30. A person may not have a spear in possession while on or fishing in Mille Lacs Lake during this period.

Name	Location	County
Mille Lacs	T.42-45, R.25-28, S. Various	Aitkin, Mille Lacs

[For text of subps 5 to 7, see M.R.]

Subp. 8. Walleye 14 to 18 inch protected slot limits - 1837 Treaty Area. All walleye in possession while on or fishing in these

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## Emergency Rules

waters must be less than 14 inches in length or greater than 18 inches in length. All walleye that are 14 to 18 inches in length, inclusive, must be immediately returned to the water.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Knife Lake</u>	<u>T.40-41, R.23-24, S. Various</u>	<u>Kanabec</u>
<u>Pokegama Lake</u>	<u>T.39, R.22, S. Various</u>	<u>Pine</u>

Subp. 9. Walleye 15 to 19 inch protected slot limits - 1837 Treaty Area. All walleye in possession while on or fishing in Little Rock Lake must be less than 15 inches in length or greater than 19 inches in length. All walleye that are 15 to 19 inches in length, inclusive, must be immediately returned to the water.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Little Rock Lake</u>	<u>T.37,38, R.31, S. Various</u>	<u>Benton</u>

Subp. 10. Walleye 15 inch minimum size limit - 1837 Treaty Area. All walleye in possession while on or fishing in Green Lake must be 15 inches or greater in length. All walleye less than 15 inches in length must be immediately returned to the water.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Green Lake</u>	<u>T.33, R.20-21, S. Various</u>	<u>Chisago</u>

Subp. 11. Walleye 13 inch minimum size limit - 1837 Treaty Area. All walleye in possession while on or fishing in these waters must be 13 inches or greater in length. All walleye less than 13 inches in length must be immediately returned to the water.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Shakopee Lake</u>	<u>T.42, R.27, S.14,15,22-24</u>	<u>Mille Lacs</u>

**EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to part 6262.0500 expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be otherwise amended. After the emergency amendments to part 6264.0400 expire, the exempt rule as it read prior to those amendments again takes effect, except as it may be otherwise amended.**

## Official Notices

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## Withdrawn Rules

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### Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design

#### Notice of Withdrawal of Proposed Rules on Continuing Education

The Board is hereby temporarily withdrawing its' proposed rules on continuing education originally published in the *State Register* on April 14, 1997. The Board will be reinstating its' continuing education task force to deal with issues raised during the comment period. Persons interested in attending task force meetings or providing comments to the task force are invited to call the Board office at (612) 296-2388 for information on these meetings.

## Official Notices

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Department of Agriculture

### Rural Finance Authority

#### Notice of Meeting Cancellation

The May 7, 1997 meeting of the Rural Finance Authority Board has been canceled. Future monthly meetings will return to the normal meeting schedule.

Jim Boerboom  
RFA Director

## Department of Agriculture

### Agronomy and Plant Protection Division

#### Notice of Special Local Need Registration for Pennacap-M Insecticide

On April 23, 1997, the Minnesota Department of Agriculture issued a Special Local Need (SLN) registration for Pennacap-M insecticide manufactured by Elf Atochem North America, Inc., Philadelphia, PA 19103, for use on snapbeans at the reduced spray interval of every four days and the reduced maximum allowable rate of three pints per acre.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is June 4, 1997.

## **Department of Children, Families and Learning**

### **Special Education Division**

#### **Notice of Vacancy and Positions Available on Advisory Committees for Minnesota Resource Centers: Blind/Visually Impaired and Deaf/Hard of Hearing**

The Special Education Advisory Council and the Minnesota Department of Children, Families and Learning are seeking applications for the Advisory Committees for the Minnesota Resource Centers: Blind/Visually Impaired and Deaf/Hard of Hearing. The purpose of the Advisory Committees is to assist and advise the Directors of the Resource Centers in developing policies, plans, and practices that will assure effective and efficient special education programs for learners with disabilities. Each Committee consists of fifteen members who represent parents, advocates, consumers, general and special education teachers and administrators, students, institutes of higher education. Selection of members is also based on geographical representation.

The Committees generally meet two times during the fiscal year in the metro area. Reimbursement is provided for travel costs, lodging, meals, childcare reimbursement for parent representatives and substitute teacher pay.

There are 4-6 vacancies for the 1996-99 term. To ensure appropriate representation, special consideration will be given to the following: parents of children with disabilities, consumers, teachers of Deaf/HH, teachers of Blind/VI, teachers or administrators to represent the Minnesota State Academy for the Deaf and Minnesota State Academy for the Blind. Special consideration will be given to maintain a geographical balance.

The official Notice of Vacancy will be published in the *State Register* for three weeks beginning May 5, 1997. During this period, interested parties should contact Lynn Gryc at the Minnesota Resource Centers office (800/657-3859 or 800/657-3936 V/TTY) to obtain an application. All applications must be received by May 28, 1997. The Special Education Advisory Council will appoint the representatives at its June meeting. Applicants will be informed of their status after June 14, 1997.

For more information about the Advisory Committees, contact Lynn Gryc at 800/657-3859 or 800/657-3936 V/TTY.

## **Minnesota Comprehensive Health Association**

### **Notice of Meeting of Executive Committee**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Executive Committee will be held on Thursday, May 8, 1997, at HealthPartners, conference room "10 West", 8100 - 34th Ave. South, Bloomington, MN, at 1:00 pm.

For additional information, please call Lynn Gruber at (612) 593-9609.

## **Minnesota Health Care Commission**

### **Health Technology Advisory Committee (HTAC)**

#### **Notice of: 1) Availability of Preliminary HTAC Evaluation Report on "Universal Newborn Hearing Screening"; and 2) Solicitation of Written Comments**

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care ... ." As part of the evaluation process, HTAC is required to submit a preliminary report to the Minnesota Health Care Commission, and to solicit written comments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, the Commission solicits public testimony on the report. The HTAC has completed its preliminary technology evaluation report on "Universal Newborn Hearing Screening". Any interested individuals or organizations may submit written comments regarding this technology evaluation report within 30 days from the publication of this notice to the attention of Dorothy Fallen at:

Minnesota Health Care Commission/Health Technology Advisory Committee  
121 East 7th Place, Suite 450  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Fax: 612-282-5628

## Official Notices

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Any written material received by the Minnesota Health Care Commission shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13).

For information regarding HTAC, or to obtain a copy of the preliminary HTAC evaluation report on Universal Newborn Hearing Screening, please contact Dorothy Fallen at 612-282-6374, or via fax at 612-282-5628.

### Brief Summary of Preliminary HTAC Evaluation Report on Universal Newborn Hearing Screening

#### Conclusions:

1. Hearing loss among newborns is a significant problem for individuals and society. Early diagnosis and treatment can reduce the impact of newborn hearing loss.
2. Only 50% of newborns with hearing loss will be identified when screening is limited to high risk infants (i.e., those meeting criteria of the Joint Committee on Hearing).
3. The overall cost of testing all infants with hearing loss through universal newborn screening may often be comparable to, or only slightly higher, than that of screening only high risk infants.

#### Recommendations:

1. The standard of care of newborns in hospitals should include screening for hearing loss.
2. The two-stage screening approach recommended by the National Institutes of Health (EOAE/ABR) is preferred. However, it is important that each community implement the type of screening that best meets its needs, and that opportunities for flexibility and innovation exist.
3. Newborn hearing screening programs can be administered by paraprofessionals or volunteers. The screening programs should be established and maintained with consultation and oversight of appropriately trained, skilled personnel, including audiologists. Additional diagnostic testing and/or intervention should be performed by suitably skilled, trained personnel.
4. Screening is part of a continuum of care which includes diagnosis and treatment. Infants who are screened and diagnosed with hearing loss should have access to appropriate, ongoing intervention as needed.

## Minnesota Department of Health

### Health Policy and Systems Compliance Division

#### Notices Related to Essential Community Provider Designation

**NOTICE IS HEREBY GIVEN** that applications for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding these applications. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

**Sioux Trails Mental Health Center**  
1407 South State Street  
New Ulm, Minnesota 56073

**Woodland Centers**  
1125 Southeast Sixth Street, P.O. Box 787  
Willmar, Minnesota 56201

**The following applications for designation as Essential Community Providers have been found to be in compliance with *Minnesota statutes* and rules and have been approved:**

**Kittson Memorial Hospital and Home**  
Hallock, Minnesota

**Gillette Children's Specialty Healthcare**  
St. Paul, Minnesota

**Hiawatha Valley Mental Health Center**  
Winona, Minnesota

**McLeod County Public Health Nursing Service**  
Glencoe, Minnesota

**Human Development Center**  
Duluth, Minnesota

**Linden Center for Psychological Health**  
Eagan, Minnesota

**Mid-Minnesota Clinic**  
St. Cloud, Minnesota

**Migrant Health Services, Inc.**  
Moorhead, Minnesota



**Rush City Area Hospital and Clinic**  
Rush City, Minnesota

**Western Human Development Center**  
Marshall, Minnesota

**Indian Health Board of Minneapolis**  
Minneapolis, Minnesota

**Community-University Health Care Center/  
Variety Children's Clinic**  
Minneapolis, Minnesota

**Family HealthCare Center**  
Fargo, North Dakota

**Fremont Community Health Services**  
(Central Avenue Clinic, Fremont Clinic,  
Sheridan Women & Children's Clinic)  
Minneapolis, Minnesota

**Pine Medical Center (Sandstone Clinic,  
Hinckley Clinic)**  
Sandstone, Minnesota

**Mille Lacs Band of Ojibwe**  
(dba Ne-Ia-Shing Clinic)  
Onamia, Minnesota

**Tyler Medical Clinic**  
Tyler, Minnesota

**Clay County Public Health**  
Moorhead, Minnesota

**Duluth Community Health Center**  
Duluth, Minnesota

**Pilot City Health Center**  
Minneapolis, Minnesota

**Hennepin County Medical Center**  
Minneapolis, Minnesota

**Southside Community Health Services**  
Minneapolis, Minnesota

**Hamm Memorial Psychiatric Clinic, Inc.**  
St. Paul, Minnesota

**Fond du Lac Reservation Business Committee**  
Cloquet, Minnesota

The following applications for designation as Essential Community Providers have been found to be inconsistent with Minnesota statutes and rules and have been denied:

**MeritCare Clinic — Halstad**  
Halstad, Minnesota

**Northland Clinic**  
Warroad, Minnesota

**Dawson Clinic**  
Dawson, Minnesota

**Adams Area Clinic**  
Adams, Minnesota

**Northern Medical Clinic — Walker**  
Walker, Minnesota

**Health Services Center**  
Fargo, North Dakota

**Pelican Valley Health Center Clinic, Inc.**  
Pelican Rapids, Minnesota

**Stanley C. Gallagher, D.O.**  
Wheaton, Minnesota

**Wells Clinic**  
Wells, Minnesota

**Bon Homme Family Practice**  
Tyndall, South Dakota

**Pembina Clinic Association**  
Pembina, North Dakota

Dated: 18 April 1997

Anne M. Barry, Commissioner  
Minnesota Department of Health

## Minnesota Housing Finance Agency

### Notice of Hearing on Rental Housing Bond Issue

The Minnesota Housing Finance Agency will hold a public hearing at 10:00 a.m. on Tuesday, May 20, 1997, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in a principal amount not to exceed \$10,000,000. The Bonds will be issued to permanently finance mortgage loans with respect to the following developments for residential housing as defined in the Agency's Rental Housing Bond Resolution. The developments proposed to be assisted are the following:

<u>Initial Owner/Operator</u>	<u>Facility</u>	<u>Address</u>	<u>Maximum Mortgage Amount</u>
Geneva Village Limited Partnership	175 Aggregate apartment units	5 buildings located at 4059 Geneva Ave.; 4060 Gershwin Ave.; 6040 North 40th St.; 6172 North 40th St.; 6206 North 40th St.; all in the City of Oakdale, MN	\$5,500,000
Zanewood Court Limited Partnership	88 apartment units	7601 Zane Ave. North Brooklyn Park, MN	\$3,750,000

The Bonds to be issued attributable to each individual project may be greater than the mortgage amount shown above in order to pay costs of issuance and fund necessary bond reserves.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Strelow. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine Hadley  
Commissioner

## Department of Labor and Industry

### Labor Standards Division

### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 5, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Installation/Replacement of Drapery 7 Blinds Anoka/Hennepin School District-Anoka/Blaine/Coon Rapids; Remove & Install School Carpeting Anoka/Hennepin School District-Anoka/Blaine/Coon Rapids; Replacement of Corridor Lockers Coon Rapids Middle & High School-Coon Rapids; Replacement of Athletic Lockers Roosevelt Middle School-Blaine; Removal & Installation of Chalkboard & Bulletin Boards Anoka/Hennepin School District-Anoka/Coon Rapids; 1997 Reroofing Fridley Community Education Center-Fridley.

**Beltrami:** Linden Hall Reroofing BSU-Bemidji; Deputy Hall Tuckpointing Phase I BSU-Bemidji.

**Blue Earth:** Asbestos Removal Crawford Hall "C" Wing MSU-Mankato.

**Carlton:** Asbestos Abatement Wrenshall School District-Wrenshall; Re-roofing County Highway Maintenance Building-Barnum; Aircraft Fueling System Cloquet/Carlton County Airport-Cloquet.

**Cottonwood:** Jeffers Petroglyphs-Jeffers.

**Dakota:** Asbestos Removal Library Building Inver Hills Community College-Inver Grove Heights; Dakota County Extension Service Addition & Alterations-Castle Rock.

**Hennepin:** Hale Community School Addition-Minneapolis; Removal & Installation of Chalkboards & Bulletin Boards Anoka/Hennepin School District-Champlin/Dayton/Brooklyn Park; Remove and Install Carpeting Anoka/Hennepin School District-Champlin/Brooklyn Park.

**Koochiching:** Falls High School Flooring Replacement-International Falls; Falls Elementary School Roof Replacement-International Falls.

**Lincoln:** Reroofing MN/Dot Building-Ivanhoe.

**Mille Lacs:** Auditorium Seating/Swimming Pool Improvements-Milaca.

**Ottertail:** Roof Removal and Replacement at Fergus Falls Regional Treatment Facility-Fergus Falls. Asbestos Removal Fergus Falls Armory-Fergus Falls.

**Polk:** Truck Station Addition & Remodeling-Erskine.

**Ramsey:** Ceiling Replacement Adams Elementary School-St. Paul; 1997 ADA Asbestos Abatement John Glenn Middle School-Mapplewood; Ceiling Replacement Humboldt Senior High School-St. Paul.

**St. Louis:** Classroom Renewal Montague 108 U of M-Duluth; ADA Toilet Upgrades Phase II U of M-Duluth.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,  
Commissioner

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612)297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. **Completed applications are to be submitted to the Secretary of State by May 27, 1997.** Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1996 Annual Compilation is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1996 fiscal year.

To order copies of the 1996 Annual Compilation please call the Minnesota Bookstore at (612)297-3000 or 1-800-657-3757. This press release is available on the Internet Web site location: [www.sos.state.mn.us](http://www.sos.state.mn.us).

**ADVISORY TASK FORCE ON THE WOMAN AND JUVENILE FEMALE OFFENDER IN CORRECTIONS, 1450 ENERGY PARK DR., #200, ST. PAUL, MN 55108-5219, (612)642-0212. MINNESOTA STATUTES 241.71.**

**APPOINTING AUTHORITY:** Commissioner of Corrections

**COMPENSATION:** Reimbursed for expenses.

**TWO VACANCIES:** One new position should be a former female offender and one member position interested in female offenders and the issues they face.

The task forces consults with the commissioner regarding choice of model programs to receive funding, reviews and makes recommendations on matters affecting female offenders, identifies problem areas, and assists the commissioner in seeking improved programming for female offenders. The task forces consists of 20 members who shall reflect a statewide geographical representation, as well as reflect a diverse cultural background. The task force has meetings on the first Wednesday of each month for 2 hours at the Department of Corrections, 1450 Energy Pk. Dr., #200, St. Paul, MN 55108-5219.

## Official Notices

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**ALCOHOL & DRUG COUNSELOR LICENSING EDUCATION COMMITTEE, MN DEPT. OF HEALTH, 121 E. 7TH PL., #400, PO BOX 64975, ST. PAUL, MN 55165-0975, (612)282-5619. MINNESOTA STATUTES 148C.05**

**APPOINTING AUTHORITY:** Commissioner of Health

**COMPENSATION:** \$55 per diem plus parking and mileage.

**SEVEN VACANCIES:** See requirements below.

The committee advises the Commissioner of Health on issues related to training and education of alcohol and drug counselors. The committee consists of 7 members including: two members from Alcohol & Drug Counselor Cultural Diversity Committee; two members who are licensed alcohol & drug counselors; two providers of alcohol & drug counselor training; the coordinator of course training program. The committee meets six times per year at the Dept. of Health, Metro Square Bldg., 121 E. 7th Place, St. Paul. This committee does not expire.

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS, 2700 UNIVERSITY AVE. W., ST. PAUL, MN 55114, (612)642-0595. MINNESOTA STATUTES 144A.19.**

**APPOINTING AUTHORITY:** Governor

**COMPENSATION:** \$55 Per diem.

**ONE VACANCY:** Public member but who cannot be a member of profession (nursing home administrator), spouse of licensee or have material financial interest in nursing home industry or related.

The board licenses administrators of nursing homes, conducts studies of nursing home administration; approves continuing education programs for administrators; investigates complaints and allegations of rule violations. The board has 11 members including: four owners or managers of nursing homes, one doctor, one nurse, and three public members. Representatives of the Department of Health and the Department of Human Services are ex-officio members. Members must file with the Ethical Practices Board. The board has quarterly meetings and committee meetings as needed. The board usually meets at the Twin Cities offices. This board does not expire.

**BOARD OF WATER AND SOIL RESOURCES, ONE W. WATER ST., #200, ST. PAUL, MN 55107, (612)296-3767. MINNESOTA STATUTES 103B.101.**

**APPOINTING AUTHORITY:** Governor

**COMPENSATION:** \$55 Per diem plus expenses.

**ONE VACANCY:** Must be a county commissioner member.

The board coordinates the water and soil resources management activities of local units (counties, SWCD's, WD's, WMO's) of government through educational activities, approval of local plans, administration of state grants and cost-sharing contracts. Programs include RIM reserve, local water planning and implementation, Wetlands Conservation Act, soil conservation, water quality enhancement. Mission: To provide leadership enabling local governments to properly manage water and soil resources and to help all citizens be stewards of our irreplaceable natural resources. The board has 12 members including three county commissioners, three soil and water conservation district (SWCD) supervisors, three watershed district (WD) or watershed management organization (WMO) representatives, and three unaffiliated citizens. One member must come from each of the current soil and water conservation administrative regions throughout the state. At least three but no more than five members must come from the seven-county metropolitan area. All members must be knowledgeable of soil and water problems. Members must file with the Ethical Practices Board and also have Senate confirmation. The board meets monthly and does not expire.

**METROPOLITAN COUNCIL, MEARS PARK CENTRE, 230 E. FIFTH ST., ST. PAUL, MN 55101, (612)291-6359. LAWS OF 1994, CHAPTER 648.**

**APPOINTING AUTHORITY:** Governor

**COMPENSATION:** \$20,000 annual salary.

**ONE VACANCY:** Member must be a resident of council district nine, which includes the cities of Blaine and Spring Lake Park and Anoka County, except the cities of Columbia Heights, Coon Rapids, Fridley and Hilltop.

The Metropolitan Council coordinates planning and development in the seven county metropolitan area and directly operates several regional services. The council's work includes long-range planning for airports, highways, parks, sewers, housing, economic development and land use policy development. Passage of the 1994 Metropolitan Reorganization Act merged the Metropolitan Waste Control Commission, the Metropolitan Transit Commission, and the Regional Transit Board into the Metropolitan Council. This has resulted in the addition of responsibilities for operating transit and wastewater treatment services, as well as providing affordable technical assistance to local governments.

The seventeen members include a chair who serves at-large and sixteen members who each represent a geographically defined council district. All members serve at the pleasure of the Governor. Members cannot hold elected public office and must reside within the council district they represent. The council is organized by committees, which make recommendations to the full board. The four standing committees are Transportation, Community Development, Environment and Finance. Council members each serve on at least two committees, attend semi-monthly council meetings and meet regularly with local government officials and members of the Minnesota Legislature. Beginning January 1, 1995, compensation for the council chair will be \$52,500. Council members will be paid a fixed salary of \$20,000 as opposed to the previous per-diem payment schedule. Members must file with the Ethical Practices Board and also Senate confirmation. The council meetings are held the 2nd. & 4th. Thursdays except in December (1st. & 3rd. Thursdays) and on holidays at Mears Park Centre unless otherwise notified. The council does not expire.

**MINNESOTA BOARD ON AGING, 4TH FL., HUMAN SERVICES BLDG., 444 LAFAYETTE RD., ST. PAUL, MN 55155-3843, (612)296-2770. MINNESOTA STATUTES 256.975.**

**APPOINTING AUTHORITY:** Governor

**COMPENSATION:** \$55 Per diem plus expenses.

**ONE VACANCY:** Member interested in aging issues would prefer an American Indian.

The board develops, coordinates, evaluates, and administers federal and state funds for programs for the aging; makes grants to 14 area agencies on aging and non-profit agencies; serves as advocate for older persons. The 25 member board includes at least one member from each congressional district. Members must file with the Ethical Practices Board. They have monthly meetings on the third Friday of each month and committee meetings are the preceding day. The board meets at Human Services, 444 Lafayette Rd., St. Paul and it does not expire.

**PUBLIC UTILITIES COMMISSION, 121 7TH PLACE E., SUITE 350, ST. PAUL, MN 55101-2157, (612)296-7124. MINNESOTA STATUTES 216, 216A, 216B, 237.**

**APPOINTING AUTHORITY:** Governor

**COMPENSATION:** \$60,000 per year.

**ONE VACANCY:** Member must be a non-Republican who is not in the employ of or holding any official relationship to or pecuniarily interested in any individual proprietorship, firm, copartnership, corporation or association, the activities of which are wholly or partially subject to regulation by the Public Utilities Commission, nor serve on or under any committee of any political party.

The commission regulates the rates and services of electric, natural gas, and telephone companies. It acts through public hearings, contested case hearings, rulemaking hearings as well as informal complaint. The commission is a five-member body with legislative and quasi-judicial functions. No more than three members may be from the same political party. At least one member must have been domiciled at the time of appointment outside the seven county metropolitan area. Consideration is given to persons learned in the law or persons who have engaged in engineering, public accounting, or property and utility evaluation, finance, physical or natural sciences, production agriculture, or natural resources, as well as being representative of the general public. Members may not be in the employ of or holding any official relationship to or pecuniarily interested in any individual proprietorship, firm, copartnership, corporation or association, the activities of which are wholly or partially subject to regulation by the Public Utilities Commission, nor serve on or under any committee of any political party. Members may not receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission. No person is eligible to be appointed as a member if the person has been employed with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission within one year from the date when the person's term on the commission will begin. Members may not obtain employment from an entity, or an affiliate, that is subject to rate regulation by the Commission until at least one year after leaving the Commission. Members are prohibited from ex parte communications with a person who is a party to a pending proceeding before the Commission regarding any material issue related to such proceeding. Members must file with the Ethical Practices Board and need Senate confirmation. The commission has regular agenda meetings scheduled twice weekly. For certain proceedings the commission will hold a special meeting. Meetings are held at the Commission's downtown St. Paul office. The board does not expire.

## Official Notices

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### Department of Transportation

#### Petition of the City of Minnetonka for a Variance from State Aid Requirements for DESIGN STANDARDS

**NOTICE IS HEREBY GIVEN** that the Minnetonka City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a completed construction project on Municipal State Aid Street No. 142 (Scenic Heights Drive), from County State Aid Highway No. 62 (Townline Road) to County State Aid Highway No. 3 (Excelsior Boulevard) in the City of Minnetonka.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 29 mph horizontal curve in lieu of the required 30 mph design speed on the portion of Scenic Heights Drive between Townline Road and Creek Ridge Trail) in the City of Minnetonka.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 28 April 1997

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

### Department of Transportation

#### Petition of Lincoln County for a Variance from State Aid Requirements for DESIGN SPEED

**NOTICE IS HEREBY GIVEN** that the Lincoln County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on County State Aid Highway No. 17 between County State Aid Highway No. 4 and Trunk Highway No. 75 in Lincoln County.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit two sag vertical curves with design speeds of 55 and 56 km/h, in lieu of the required 60 km/h design speed on the proposed construction project on County State Aid Highway No. 17 between County State Aid Highway No. 4 and Trunk Highway No. 75 in Lincoln County.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 28 April 1997

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

## Minnesota Public Utilities Commission

### Request for Comments on Planned Promulgation of Rules Governing the Competitive Provision of Local Telephone Service in Areas Served by Local Telephone Companies With Less Than 50,000 Subscribers, Docket No. P-999/R-97-608

**Subject of Rules.** The Public Utilities Commission requests comments on its planned promulgation of rules governing the competitive provision of local telephone service in areas served by local telephone companies with less than 50,000 subscribers. The commission is considering rules that will —

- (1) define procedures for competitive entry and exit;
- (2) require the provision of equal access and interconnection with the company's network and other features, functions and services which the commission considers necessary to promote fair and reasonable competition;
- (3) require unbundling of network services and functions to at least the level required by existing federal standards;
- (4) prescribe, if necessary, methods of reciprocal compensation between telephone companies;
- (5) provide for local telephone number portability;
- (6) prescribe appropriate regulatory standards for new local telephone service providers, that facilitate and support the development of competitive services;
- (7) protect against cross-subsidization, unfair competition, and other practices harmful to promoting fair and reasonable competition;
- (8) prescribe methods for the preservation of universal and affordable local telephone services;
- (9) prescribe standards for quality of service;
- (10) provide for the continued provision of local emergency telephone services under chapter 403; and
- (11) protect residential and commercial customers from unauthorized changes in service providers in a competitively neutral manner.

**Persons Affected.** The promulgation of the rules would likely affect local telephone companies with less than 50,000 subscribers, the firms that would like to compete with them, and their subscribers. The commission will appoint an advisory committee representing a cross-section of interests likely to be affected. The commission will also establish a list of persons who wish to receive notices pertaining to this rulemaking.

**Statutory Authority.** *Minnesota Statutes*, section 216A.05, grants the commission the authority to prescribe rules with respect to the control and conduct of the businesses coming within its jurisdiction. Section 237.10 gives the commission the duty to prescribe uniform rules and classifications pertaining to the conduct of intrastate telephone business. Section 237.16 requires the commission to adopt rules, applicable to all telephone companies and telecommunications carriers required to obtain or having obtained a certificate for provision of telephone service, as described in "Subject of Rules," above. Section 237.16, subdivision 8(b) requires separate rules and a separate rulemaking pertaining to the provision of competitive local telephone service in areas served by telephone companies with less than 50,000 subscribers.

**Public Comment.** The commission offers the attached rules FOR DISCUSSION PURPOSES ONLY. The Commission has not yet prepared a draft of the planned rules. Interested persons or groups may submit comments or information on these planned rules — especially proposals for modifying the attached rules to apply to the competitive provision of local telephone service in areas served by local telephone companies with less than 50,000 subscribers — in writing or orally until 4:30 p.m. on May 15, 1997. Interested persons or groups may also request to be included on the commission's list of persons who wish to receive notices pertaining to this rulemaking. Written or oral comments, questions, requests to receive a draft of the rules when they have been prepared, and requests for more information on these planned rules should be addressed to Eric Witte, Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota 55101-2147, (612) 296-7814. **Comments should include a reference to Docket No. P-999/R-97-608. Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt rules is started.**

Burl Haar  
Executive Secretary

# Official Notices

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## Public Utilities Commission

### Adopted Permanent Rules Relating to Local Telephone Competition

#### 7812.0050 APPLICABILITY.

This chapter applies to all telecommunications service providers operating under the commission's jurisdiction in Minnesota. With the exception of part 7812.0100, subpart 51, and parts 7812.2000 and 7812.2100, this chapter does not apply to telephone companies with fewer than 50,000 subscribers, unless specified otherwise in this chapter.

#### 7812.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Act or federal act.** "Act" or "federal act" means the federal Telecommunications Act of 1996, Public Law No. 104-104, codified in *United States Code*, title 47, sections 153 to 614.

Subp. 3. **Alternative regulation plan or AFOR.** "Alternative regulation plan" or "AFOR" means an alternative to rate-of-return regulation of a local exchange carrier adopted pursuant to *Minnesota Statutes*, sections 237.76 to 237.774.

Subp. 4. **Applicant.** "Applicant" means a person filing a petition for certification to provide telecommunications services in Minnesota under parts 7812.0200 to 7812.0500.

Subp. 5. **Automatic location identification or ALI.** "Automatic local identification" or "ALI" means the automatic display, on equipment at the public safety answering point, of the telephone, including nonlisted and nonpublished telephone numbers and addresses, and other information about the caller's location.

Subp. 6. **ALI database provider.** "ALI database provider" means any person who provides automatic location identification to the basic emergency services provider and the governing body for a specific geographic area.

Subp. 7. **Automatic number identification or ANI.** "Automatic number identification" or "ANI" means the process used on customer-dialed calls to automatically identify the calling station.

Subp. 8. **Basic local service.** "Basic local service" means the services required under part 7812.0600 and any other services or terms determined by the commission to be integral to the basic communications, health, privacy, or safety needs of customers.

Subp. 9. **Central office.** "Central office" means a facility in a telecommunications system that provides service to the general public where the telephone lines of subscribers are joined to switching equipment that redirects calls to called parties or other central offices, or to the interexchange facilities of a carrier.

Subp. 10. **Certificate of authority or certificate.** "Certificate of authority" or "certificate" means a commission order authorizing the provision of telecommunications service under this chapter.

Subp. 11. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 12. **Competitive local exchange carrier or CLEC.** "Competitive local exchange carrier" or "CLEC" means a telecommunications carrier that is certified by the commission to provide local service, or a telephone company to the extent it provides local service in an area other than its initial service territory. This subpart does not exempt a telephone company under *Minnesota Statutes*, section 237.01, subdivision 2, from the applicable requirements of *Minnesota Statutes*, Chapter 237, including rate of return regulation, earnings investigations, and depreciation requirements under *Minnesota Statutes*, section 237.22.

Subp. 13. **Customer.** "Customer" means a person who has contracted with a local service provider for retail telecommunications service and has been billed by or on behalf of that provider for that service in the person's name or in the name of an agent or representative designated by the customer.

Subp. 14. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 15. **Eligible telecommunications carrier or ETC.** "Eligible telecommunications carrier" or "ETC" means a local service provider designated by the commission as eligible to receive federal universal service support pursuant to the federal Telecommunications Act of 1996, at *United States Code*, title 47, section 254, based on a determination by the commission that the local service provider, at a minimum, meets the requirements of items A and B, throughout the applicable universal service area.

- A. the local service provider offers the services identified by the Federal Communications Commission as eligible for support by federal universal service support mechanisms under the federal Telecommunications Act of 1996, at *United States Code*, title 47, section 254, using its own facilities or a combination of its own facilities and either the unbundled network elements of a local exchange carrier or resale of another carrier's services; and
- B. the local service provider advertises the availability of the services referenced in item A and the charges for those services using media of general distribution.



Subp. 16. **Emergency telephone service or 911.** "Emergency telephone service" or "911" means a telephone system using the three-digit number 911 to report police, fire, medical, or other emergency situations.

Subp. 17. **Enhanced 911 or E 911.** "Enhanced 911" or "E 911" means an emergency telephone service that includes automatic number identification and automatic location identification to facilitate public safety response.

Subp. 18. **End-user.** "End-user" means a person requesting, receiving, or using telecommunications service on a retail basis, regardless of whether that person is a customer.

Subp. 19. **Exchange area.** "Exchange area" means a geographic unit established by a local service provider and identified in the local service provider's tariff on file with the commission. It may consist of one or more central offices or wire centers together with associated facilities used to furnish telecommunications services in that area.

Subp. 20. **Extended area service or EAS.** "Extended area service" or "EAS" means interexchange calling for which a message toll charge is not assessed.

Subp. 21. **Facilities.** "Facilities" means the plant and equipment of a telecommunications service provider. This includes, but is not limited to, a telecommunications service provider's network facilities.

Subp. 22. **Facilities-based carrier.** "Facilities-based carrier" means a local service provider that relies on its own network facilities, in whole or in part, for providing local service.

Subp. 23. **Facilities-based service.** "Facilities-based service" means service offerings provided, in whole or in part, through the telecommunications service provider's own network facilities.

Subp. 24. **FCC.** "FCC" means the Federal Communications Commission.

Subp. 25. **FCC interconnection rules.** "FCC interconnection rules" means the rules adopted by the Federal Communications Commission pursuant to the federal Telecommunications Act of 1996, *United States Code*, title 47, section 251, subsection (d), and codified at *Code of Federal Regulations*, title 47, section 51.1 to 51.809.

Subp. 26. **Interexchange service.** "Interexchange service" means telecommunications service between exchanges as defined in a local exchange service provider's tariff.

Subp. 27. **Interexchange trunks.** "Interexchange trunks" means transmission facilities used to transport telecommunications traffic between exchanges or central offices.

Subp. 28. **Local calling area.** "Local calling area" means the area within which calls originate and terminate without a toll charge.

Subp. 29. **Local exchange carrier or LEC.** "Local exchange carrier" or "LEC" means a telephone company, with 50,000 or more subscribers, that is authorized to provide local telephone service in Minnesota under *Minnesota Statutes* 1994, section 237.16, subdivision 2.

Subp. 30. **Local loop.** "Local loop" means the transmission path capable of transporting analog or digital signals from a network interface at a customer's premises to a central office switching device, distribution frame, or similar demarcation point.

Subp. 31. **Local niche service.** "Local niche service" refers to point-to-point connections between end-user locations within a service area and any telecommunications services under the commission's jurisdiction that do not fall within the definition of local service or the definition of interexchange service.

Subp. 32. **Local niche service provider.** "Local niche service provider" means a telecommunications carrier that provides local niche service pursuant to a certificate of authority granted by the commission.

Subp. 33. **Local service.** "Local service" means dial tone, access to the public switched network, and any related services provided in conjunction with dial tone and access, including services that may be required under part 7812.0600. Local service does not include local niche service.

Subp. 34. **Local service provider or LSP.** "Local service provider" or "LSP" means a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the commission. Local service provider includes both local exchange carriers and competitive local exchange carriers.

Subp. 35. **Network element.** "Network element" means a functional capability of a network, desegregated from other network capabilities and made available to other carriers and end-users separately from all other network capabilities. Network elements include, but are not limited to, the local loop, switching functions, ports, and trunks.

Subp. 36. **Network facilities.** "Network facilities" means a telecommunications service provider's facilities other than those used exclusively by a reseller to provide resale service.

Subp. 37. **Number portability.** "Number portability" means the ability of customers to retain their existing telephone numbers, consistent with the requirements established by the Federal Communications Commission, notwithstanding changes in location of service, type of service, or local service provider.

## Official Notices

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Subp. 38. **Office of Attorney General-Residential Utilities Division or OAG-RUD.** "Office of Attorney General-Residential Utilities Division" or OAG-RUD" refers to the Residential and Small Business Utilities Division of the Minnesota Attorney General's Office.

Subp. 39. **Person.** "Person" means an individual; a firm, company, limited liability company, partnership, limited liability partnership, corporation, cooperative, and any other commercial or business entity, however organized; any form of municipality including a county, statutory or home rule charter city, and town; and any other political subdivision or agency of the state including, but not limited to, a metropolitan council or commission, school district, joint powers authority, port authority, special service district, regional development commission, and their agencies, as well as any combination of them.

Subp. 40. **Port.** "Port" means a mechanism allowing access to switching functions, including dial tone generation, origination, and termination of local and long-distance calls.

Subp. 41. **Public safety answering point or PSAP.** "Public safety answering point" or "PSAP" means a facility equipped and staffed to receive and direct the disposition of 911 calls from the basic emergency service provider.

Subp. 42. **Resale service.** "Resale service" refers to service that is purchased on a wholesale basis from a local service provider and then resold on a retail basis to end-users.

Subp. 43. **Reseller.** "Reseller" means a local service provider that provides local service to end-users without using its own network facilities, or the unbundled network elements of a local exchange carrier.

Subp. 44. **Service area.** "Service area" means the geographic area in which a local service provider offers local service pursuant to its certificate of authority under part 7812.0200.

Subp. 45. **Small local exchange carrier or SLEC.** "Small local exchange carrier" or "SLEC" means a telecommunications carrier as defined in *Minnesota Statutes*, section 237.01, subdivision 2, with fewer than 50,000 subscribers, or an independent telephone company as defined in *Minnesota Statutes*, section 237.01, subdivision 3.

Subp. 46. **Study area.** "Study area" means the area designated for a particular local exchange carrier by the FCC.

Subp. 47. **Telecommunications.** "Telecommunications" means any transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Subp. 48. **Telecommunications carrier.** "Telecommunications carrier" means a person, firm, association, or corporation as defined in *Minnesota Statutes*, section 237.01, subdivision 6.

Subp. 49. **Telecommunications service.** "Telecommunications service" means the offering of telecommunications under the commission's jurisdiction for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Subp. 50. **Telecommunications service provider.** "Telecommunications service provider" means any provider of telecommunications service.

Subp. 51. **Telephone company.** "Telephone company" means a person, firm, association, or other entity, as defined in *Minnesota Statutes*, section 237.01, subdivision 2, but does not include an independent telephone company as defined in *Minnesota Statutes*, section 237.01, subdivision 3.

Subp. 52. **Total service long-run incremental cost or TSLRIC.** "Total service long-run incremental cost" or "TSLRIC" has the meaning given in *Minnesota Statutes*, section 237.772, subdivision 1.

Subp. 53. **Universal service area.** "Universal service area" means:

- A. the study area of a local exchange carrier with fewer than 50,000 subscribers, or any other local exchange carrier the commission finds through a proceeding to be a rural company under section 3(47) of the federal Telecommunications Act of 1996; or
- B. the exchange area, or a different geographic unit identified by the commission under part 7812.1400, subpart 3, of a local exchange carrier serving 50,000 or more subscribers, unless the commission has found the local exchange carrier to be a rural company under section 3(47) of the federal Telecommunications Act of 1996.

### 7812.0150 APPLICABILITY OF RULES OF PRACTICE AND PROCEDURE.

Proceedings under this chapter must be conducted according to the commission's rules of practice and procedure, parts 7829.0100 to 7829.1200 and 7829.2600 to 7829.3200, to the extent those parts are consistent with the requirements of this chapter.

**7812.0200 GENERAL CERTIFICATION REQUIREMENTS.**

Subpart 1. **Scope.** No person may provide telecommunications service in Minnesota without first obtaining a certificate under this part and parts 7812.0300 to 7812.0600, except to the extent the person is providing telephone service under a certificate issued by the commission before the effective date of this chapter.

Subp. 2. **Certification categories.** A person may seek certification in any of the following four categories:

- A. local facilities-based service;
- B. local resale service;
- C. interexchange service; or
- D. local niche service.

A certificate to provide local facilities-based service authorizes the provision of all forms of local service, interexchange service, and local niche service in Minnesota. A certificate to provide local resale service only authorizes the provision of local resale service. A certificate to provide interexchange service only authorizes the provision of interexchange service. A certificate to provide local niche service only authorizes the provision of local niche service. An applicant may request certification in multiple categories in a single petition.

Subp. 3. **Limitations on local service certification/intent to provide service.** An applicant may obtain certification to provide local service for a geographic area only if:

- A. the applicant has started any necessary negotiations for resale, the purchase of network elements, or interconnection under section 252 of the federal act with the local exchange carrier (LEC) currently serving the area; and
- B. the applicant plans to provide local service in the area, either through resale, the purchase of unbundled network elements, or use of its own facilities, within 36 months after the date of the applicant's petition. A certificate for local service obtained under part 7812.0300 or 7812.0350 applies only to the service area designated in the petition within the limits established in this subpart. The service area may be expanded under part 7812.0300, subpart 5, or 7812.0350, subpart 5.

Subp. 4. **Automatic revocation for failure to serve.** The local service provider (LSP) certified under part 7812.0300 or 7812.0350 must offer services, consistent with part 7812.0600, throughout its entire local service area within 36 months after the later of the following three dates:

- A. the date of the commission order granting the applicant's certificate of authority;
- B. the date of the commission order under part 7812.1100, approving the necessary agreements resulting from the negotiations that provided the basis under subpart 3, item A, for granting the certificate; or
- C. the effective date of this subpart.

Failure to offer basic local service throughout the entire service area as required in this subpart results in the automatic revocation of the local service provider's certificate with respect to those areas in which the LSP is not offering basic local service, unless the LSP demonstrates to the satisfaction of the commission, under subpart 5, that its failure to offer basic local service throughout the entire service area results from factors beyond the local service provider's control.

Subp. 5. **Show-cause proceeding to justify failure to serve entire area.** An LSP shall file a petition with the commission to justify anticipated failure to offer basic local service within its entire local service area as required under subpart 4. The petition must be filed at least 90 days before the applicable 36-month deadline under subpart 4. The petition must include the basis for the local service provider's failure to meet the deadline and an alternative date by which the LSP expects to begin offering service in the areas for which it will not meet the 36-month deadline. The local service provider's certification for the portion of its local service area in which it does not offer basic local service does not expire until the commission has issued an order denying the local service provider's request for an extension under this subpart.

Subp. 6. **Required notification.** Petitions for certification under this chapter must be served on the department, the OAG-RUD, the Department of Administration, persons certified to provide telecommunications service within the petitioner's designated service area, and the city clerk, or other official authorized to receive service or notice on behalf of the municipality, of all municipalities within the petitioner's designated service area.

Subp. 7. **Comment periods.** Comments on a petition must be filed and served within 45 days after the petition is filed. Responsive comments must be filed and served within 20 days after the deadline for initial comments.

Subp. 8. **Factual disputes.** If the petition raises contested issues of material fact, the commission shall refer the matter to the Office of Administrative Hearings for contested case proceedings or conduct an expedited proceeding under *Minnesota Statutes*, section 237.61, if permitted under the commission's rules of practice and procedure under part 7829.1200, item B or C.

## Official Notices

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Subp. 9. **Reporting failure to serve.** Each local service provider (LSP) shall report to the Commission within 30 months after the later of the three dates specified in part 7812.0200, subpart 4, items A to C, regarding the extent to which it is offering local service in its service area. The report must indicate which portions of the LSP's service area, if any, remain non-operational and delineate the LSP's projected timetable for offering local service throughout the entire area as required under subpart 4.

### 7812.0300 LOCAL FACILITIES-BASED SERVICE CERTIFICATION.

Subpart 1. **Scope of certificate.** A certificate to provide local facilities-based service authorizes the provision of telecommunications services in Minnesota within the area identified in the applicant's petition. This includes authority to provide local service through the resale of a local exchange carrier's services, the purchase and recombination of a local exchange carrier's network elements or the use of the local service provider's own facilities.

Subp. 2. **Filing requirements.** A petition for authority to provide local facilities-based service must include the following information:

- A. the applicant's full legal name and address, including the address of the applicant's place of business; if a corporation, the names, addresses, telephone numbers, and business experience of its officers; if a partnership or limited liability partnership, the names, addresses, telephone numbers, and business experience of persons authorized to bind the partnership; or, if a limited liability company, the names, addresses, and telephone numbers of its managers;
- B. a description of the applicant's organizational structure, including documentation identifying the petitioner's legal status, for example, sole proprietorship, partnership, limited liability partnership, company, limited liability company, corporation, and so forth; a copy of its articles of incorporation; and, a list of shareholders, partners, or members owning ten percent or more of the interest in the business;
- C. a list of the applicant's affiliates, subsidiaries, and parent organizations, if any;
- D. the nature of the applicant's business, including a list of the services it provides;
- E. a description of the applicant's business history, including:
  - (1) the date the business was first organized, the dates of subsequent reorganizations, and the date the applicant started providing telephone or other telecommunications services; and
  - (2) the applicant's experience providing telephone company services or telecommunications services in Minnesota and other jurisdictions, including the types of services provided, the dates and nature of state or federal authorization to provide those services, the length of time it has provided those services, and pending or completed criminal, civil, or administrative action taken against the applicant by a state or federal authority, including any settlements, in connection with the applicant's provision of telephone company services or telecommunications services;
- F. for the most recent fiscal year, a financial statement of the applicant, consisting of a balance sheet, an income statement, notes to the financial statement, and, if available, an annual report;
- G. a list and description of the types of services the applicant seeks authority to offer:
  - (1) including the classes of customers the applicant intends to serve;
  - (2) indicating the extent to which it intends to provide service through use of its own facilities, the purchase of unbundled network elements, or resale;
  - (3) identifying the types of services it seeks authority to provide by reference to the general nature of the service, for example, voice, custom calling, signaling, information, data, and video; and
  - (4) listing the technology that will be used to deliver the service, for example, fiber-optic cable, digital switches, or radio;
- H. a proposed price list or tariff setting forth the rates, terms, and conditions of each service offering, unless the applicant is seeking a conditional certificate under subpart 4 and has not yet developed the information listed in this item;
- I. a service area map providing the information required under part 7810.0500, subpart 2, and narrative description of the area for which the applicant is seeking certification, except that if the applicant does not have the necessary agreements or tariffs to serve the entire area for which certification is sought, a map providing the information required under part 7810.0500, subpart 2, and a narrative delineating specifically those areas in which the applicant is currently prepared to provide service;
- J. the date by which the applicant expects to offer local service to the entire service area for which the applicant is seeking certification, including the applicant's estimated timetable for providing at least some of its services through use of its own network facilities;
- K. a description of the applicant's policies, personnel, and equipment or arrangements for customer service and equipment maintenance, including information demonstrating the applicant's ability to respond to customer complaints and inquiries promptly and to perform maintenance necessary to ensure compliance with the quality requirements set forth in the commission's rules;

- L. a copy of the applicant's certificate to conduct business from the Minnesota Secretary of State;
- M. a description of the applicant's facilities and the location or proposed location of those facilities; and
- N. other information needed to demonstrate that the applicant has the managerial, technical, and financial ability to provide the services it intends to offer consistent with the requirements of this chapter and applicable law.

**Subp. 3. Decision criteria.** A certificate to provide local facilities-based service must not be granted unless the applicant establishes that it has the financial, technical, and managerial capability to provide the services described in its petition consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders. The decision to grant a certificate under this part must be based on the following criteria:

- A. the applicant's experience providing telecommunications service in Minnesota or other jurisdictions, including the extent to which that experience is comparable to the service plans outlined in the certification petition;
- B. the applicant's personnel, staffing, equipment, and procedures, including the extent to which these are adequate to ensure compliance with the commission's rules and orders relating to service requirements, service quality, customer service, engineering, accounting, and other relevant areas;
- C. the extent to which the applicant has had any civil, criminal, or administrative action taken against it in connection with the applicant's provision of telecommunications services;
- D. the applicant's cash reserves and the extent to which those reserves or cash equivalent are adequate to meet the petitioner's start-up costs and expenses;
- E. the applicant's business or owner equity, which must be positive;
- F. the nature and location of the applicant's proposed or existing facilities, including the extent to which those facilities are capable of providing the services identified in the applicant's filing under this part;
- G. the applicant's plan and facilities for receiving and responding to customer inquiries and complaints, which must include a toll-free telephone number giving customers access to the applicant's place of business during regular business hours; and
- H. any other factors relevant to determining the applicant's technical, managerial, and financial capability to provide the reasonably adequate services, as described in its petition, consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders.

**Subp. 4. Conditional certificate.** The commission may grant a conditional certificate pending submittal and commission approval of the tariffs and intercompany agreements necessary for providing the services contemplated in the applicant's petition for certification. The filings necessary to make the conditional certificate operational must include any related changes to every service area map filed under subpart 2, item I. The maps must distinguish clearly between operational areas and nonoperational areas. Failure to offer service in the nonoperational areas by the deadline under part 7812.0200, subpart 4, results in the automatic revocation of the local service provider's certificate with respect to those nonoperational areas as provided in part 7812.0200, subparts 4 and 5.

**Subp. 5. Amended certificate for change in service area.** A local service provider (LSP) shall not provide local service in an area for which it does not have a valid certificate under this part or acquire ownership or control of another LSP without first obtaining an amended certificate from the commission applicable to the area into which the LSP proposes to expand. A petition to modify a local service provider's service area must include a revised map and descriptive narrative as provided in subpart 2, item I, indicating the petitioner's proposed service area changes. The petition must be served on the parties identified in part 7812.0200, subpart 6. An amended certificate under this subpart is deemed approved within 20 days of the petition's service date unless:

- A. the petition involves an acquisition under *Minnesota Statutes*, section 237.23, in which case a certificate must not be granted until the acquisition is approved under that section; or
- B. an objection to the petition is filed within 20 days of the petition's service date, in which case the commission shall determine whether to grant the petition in an expedited proceeding under *Minnesota Statutes*, section 237.61. An objection must identify the reasons for opposing the petition, including a statement of why the proposed service area revisions would not be consistent with the public interest. When an objection is filed under item B, the petitioner has the burden of proving that it has the technical, managerial, and financial resources to provide local service in the service area into which it proposes to expand, consistent with this chapter and applicable rules, commission orders, and laws.

**Subp. 6. Changes in terms and conditions.** An LSP shall file and obtain approval of tariffs to reflect any changes in terms and conditions of service. The LSP filing for a tariff change under this subpart shall demonstrate that the change is consistent with the provider's certificate and applicable commission orders, rules, or laws.

## Official Notices

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### 7812.0350 LOCAL RESALE SERVICE CERTIFICATION.

Subpart 1. **Scope of certificate.** A certificate to provide local resale service exclusively authorizes the provision of local service as a reseller throughout the service area identified in the petition. It does not authorize the provision of other telecommunications service and it does not authorize the provision of local service through the applicant's own network facilities or through the purchase and recombination of a local exchange carrier's network facilities.

Subp. 2. **Filing requirements.** A petition for authority to provide local service as a reseller must include the information required under part 7812.0300, subpart 2, items A to L, except for the information relevant to facilities-based service identified or contemplated in part 7812.0300, subpart 2, items G and K. The applicant shall provide any additional information needed to demonstrate that it satisfies the requirements for certification under subpart 3.

Subp. 3. **Decision criteria.** A certificate to provide local service as a reseller must be granted when the petitioner establishes that it has the financial, technical, and managerial capability to provide the services described in its petition consistent with the public interest, including the requirements of this chapter, *Minnesota Statutes*, section 237.16, and all other applicable laws, rules, and commission orders. The decision to grant a certificate under this part must be based on the criteria in part 7812.0300, subpart 3, to the extent those criteria relate to the applicant's technical, managerial, and financial ability to provide reasonably adequate resale service.

Subp. 4. **Conditional certificate.** The commission may grant a conditional certificate for local resale service as provided in part 7812.0300, subpart 4.

Subp. 5. **Amended certificate for change in service area.** A reseller may expand its service area as provided in part 7812.0300, subpart 5.

Subp. 6. **Changes in terms and conditions.** A reseller may change its terms and conditions of service as provided under part 7812.0300, subpart 6.

### 7812.0400 INTEREXCHANGE SERVICE CERTIFICATION.

Subpart 1. **Filing requirements.** A petition to provide interexchange service, but not local service, must include all the information required for local resale service petitions under part 7812.0350.

Subp. 2. **Decision criteria.** The commission shall apply the decision criteria identified in part 7812.0300 or 7812.0350 to the extent those criteria are relevant to providing interexchange service.

### 7812.0500 LOCAL NICHE SERVICE CERTIFICATION.

Subpart 1. **Filing requirements.** A petition to provide local niche service, but not local service or interexchange service, must include a description of the petitioner's business organization, experience, and expertise in providing telephone or telecommunications services, including local niche service. The petitioner must also submit a balance sheet indicating its current financial status.

Subp. 2. **Decision criteria.** The commission shall apply the criteria identified in part 7812.0300 or 7812.0350 to the extent those criteria are relevant to providing the local niche services the petitioner intends to provide.

### 7812.0550 911 EMERGENCY SERVICE CAPABILITIES AND REQUIREMENTS.

Subpart 1. **CLEC 911 plan.** Before providing local service in a service area, a competitive local exchange carrier (CLEC) shall submit to the commission a comprehensive plan, detailing how it will provide 911 service to its customers in a manner consistent with applicable law, including chapter 1215, and comparable to the provision of 911 service by the local exchange carrier (LEC) operating in the competitive local exchange carrier's local service area. The CLEC filing the plan shall serve the plan on the department, Office of Attorney General-Residential Utilities Division (OAG-RUD), Department of Administration, and, if the CLEC proposes to serve the Twin Cities Metropolitan Area, the Executive Director of the Metropolitan 911 Board. The commission shall not permit the CLEC to begin providing local service until the commission has approved the plan.

Subp. 2. **LEC cooperation.** An LEC shall provide a CLEC with the access to facilities and information necessary to enable the CLEC to meet its 911 service obligations. With respect to resale service, the LEC shall provide a CLEC customer's name, address, and telephone number information to the automatic location identification (ALI) database provider within 24 hours of the daily close of service order activity.

Subp. 3. **Factors to apply in reviewing CLEC plan.** In determining whether to approve a competitive local exchange carrier's 911 plan under subpart 1, the commission shall consider, at a minimum, the competitive local exchange carrier's ability and intent to:

- A. comply with chapter 1215;
- B. integrate into the 911 tandem network as specified in the relevant county plan to achieve appropriate tandem-based choking, if the county is served by a tandem network;
- C. design a network with adequate diversity and default-routing capability;

- D. provide for the display at the public safety answering point (PSAP) of the customer's old and new telephone numbers when call-forwarding technology is used for interim number portability;
- E. cooperate with each relevant county and system integrator in developing a 911 contingency plan;
- F. maintain circuit-routing profiles and expedite service restoration;
- G. share customer information and data consistent with current national standards for sharing information related to providing emergency telephone service;
- H. enter into nondisclosure agreements with the ALI database provider;
- I. submit data to the ALI database provider in the format required by the database provider;
- J. ensure that the competitive local exchange carrier's identity is shown on the ALI record and displayed at the PSAP to the extent required by the county; and
- K. provide for operator-assisted emergency calls, including calls from speech-impaired, hearing-impaired, or non-English speaking customers.

Subp. 4. **Financing new plant.** An LSP may assess special construction charges approved by the Commission if existing facilities are not available to serve the customer.

#### **7812.0600 BASIC SERVICE REQUIREMENTS.**

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

- A. single party voice-grade service and touch-tone capability;
- B. 911 or enhanced 911 access;
- C. 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;
- D. access to directory assistance, directory listings, and operator services;
- E. toll and information service-blocking capability without recurring monthly charges as provided in the commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38 (June 4, 1996), as clarified by the commission's order of September 16, 1996, in that docket. These orders are incorporated by reference, are not subject to frequent change, and are available through the statewide interlibrary loan system;
- F. one white pages directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer;
- G. a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;
- H. call-tracing capability according to chapter 7813;
- I. blocking capability according to the commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P-999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P-999/CI-92-992 (December 3, 1993), which are incorporated by reference, are not subject to frequent change, and are available through the statewide interlibrary loan system; and
- J. telecommunications relay service capability or access necessary to comply with state and federal regulations.

Subp. 2. **Separate flat rate service offering.** At a minimum, each LSP shall offer the services identified in subpart 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and commission orders.

Subp. 3. **Service area obligations: all LSPs.** An LSP shall provide its local services on a nondiscriminatory basis, consistent with its certificate under part 7812.0300 or 7812.0350, to all customers who request service and whose premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall within the operational areas of the local service provider's service area under part 7812.0300, subpart 4, or 7812.0350, subpart 4. The obligation to provide resale services does not extend beyond the service capability of the underlying carrier whose service is being resold. The obligation to provide facilities-based services does not require an LSP that is not an eligible telecommunications carrier (ETC) to build out its facilities to customers not abutting its facilities or to serve a customer if the local service provider cannot reasonably obtain access to the point of demarcation on the customer's premises.

## Official Notices

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Subp. 4. **Service area obligations: ETCs.** An LSP designated an ETC by the commission must provide local service, including, if necessary, facilities-based service, to all requesting customers within the carrier's service area on a nondiscriminatory basis, regardless of a customer's proximity to the carrier's facilities.

Subp. 5. **CLEC service areas.** Competitive local exchange carriers (CLECs) may designate service areas different from the service areas of local exchange carriers (LECs).

Subp. 6. **Limitation on exit.** An LSP shall not withdraw from a service area unless another LSP certified for that area will be able to provide basic local service to the exiting local service provider's customers immediately upon the date the exiting provider discontinues service. An LSP shall not withdraw from its service area until at least 60 days after it has given written notice to the commission, department, Office of Attorney General-Residential Utilities Division (OAG-RUD), and its customers. The notice must identify the other LSPs available to its customers.

Subp. 7. **Service disconnection.** An LSP may disconnect a customer's basic local service as allowed under parts 7810.1800 to 7810.2000, except that it shall not disconnect basic local service for nonpayment of toll or information service charges or any service other than basic local service.

### 7812.0700 GENERAL SERVICE QUALITY REQUIREMENTS.

Subpart 1. **Service to end-users.** The local services provided by a local service provider (LSP) must meet the standards in:

- A. applicable commission orders and rules, including parts 7810.0100 to 7810.6100 or their successor parts and;
- B. the local service provider's alternative regulation plan (AFOR), if the provider is operating under an AFOR.

Subp. 2. **Intercarrier agreements.** All local exchange carriers (LECs) and competitive local exchange carriers (CLECs) must include quality standards in their intercarrier agreements for resale, the purchase of network elements, or interconnection. These standards must, at a minimum:

- A. enable each party to the agreement to meet the standards applicable under subpart 1; and
- B. ensure that the CLEC receives service, network elements, and interconnection at least at parity with the services, network elements, and interconnection the LEC provides to itself or to any subsidiary, affiliate, or other party consistent with section 251, subsection (c), paragraphs (2) and (3), of the act and section 51.311, paragraphs (b) and (c), of the FCC interconnection rules.

Subp. 3. **Intercarrier standards exceeding parity.** The standards in an agreement under subpart 2 may require the LEC to provide the CLEC with services, network elements, or interconnection at a level of quality exceeding that which the LEC provides itself or its affiliates. The CLEC shall pay a reasonable portion of the additional cost of providing the higher quality of service if the higher quality level goes beyond the specific mandates in applicable commission orders or rules. The reasonable portion of additional costs the CLEC must pay must be determined as provided in items A and B:

- A. The CLEC shall pay for the higher quality services, network elements, or interconnection based on the proportional benefit the CLEC receives from the higher standards relative to the benefit received by the LEC.
- B. The LEC shall demonstrate through its own internal quality measures that the contract standards exceed both the local exchange carrier's internal standards and the standards set forth in applicable commission orders and rules. Disputes regarding payment for higher service levels must be resolved through arbitration under section 252, subsection (b), of the act or through the dispute resolution process set forth in the parties' agreement.

Subp. 4. **Determining carrier responsibility.** An LSP is directly responsible to its customers for the quality of service provided to those customers. Nothing in this subpart may be interpreted or applied to impact the allocation of liability between two or more telecommunications service providers in connection with quality of service issues.

### 7812.0800 LOCAL CALLING SCOPE FOR CLECs.

Subpart 1. **Required offering.** A competitive local exchange carrier (CLEC) shall offer each end-user at least one flat rate calling area that matches the flat rate calling area offered that customer by the local exchange carrier (LEC) under part 7812.0900, subpart 1, including any applicable extended area service (EAS).

Subp. 2. **Additional calling area options.** Upon 30 days' notice to the commission, department, Office of Attorney General-Residential Utilities Division (OAG-RUD), and LEC, a CLEC may offer alternative calling areas or measured rate options in addition to the flat rate calling area offered under subpart 1. The rates charged under any alternative calling area or measured rate options must be just, reasonable, and affordable relative to the rates charged for the required calling area under subpart 1.

### 7812.0900 LOCAL CALLING SCOPE FLEXIBILITY FOR LECs.

Subpart 1. **Required offering.** A local exchange carrier (LEC) shall offer each end-user the flat rate calling area, including any applicable extended area service (EAS), offered by the LEC as of the effective date of this subpart, as modified to reflect any subse-



quent addition or removal of EAS under the following commission orders, which are incorporated by reference, regarding the commission's Investigation into the Appropriate Local Calling Scope, in Accordance with *Minnesota Statutes* 237.161, Docket No. P-999/CI-94-296:

- A. ORDER REACTIVATING THE PROCESSING OF EAS PETITIONS (October 24, 1995); and
- B. ORDER AFTER RECONSIDERATION (February 23, 1996).

These orders are not subject to frequent change and are available through the statewide interlibrary loan system.

**Subp. 2. Additional calling area options.** At any time after receipt of a notice under part 7812.0800, subpart 2, that a competitive local exchange carrier (CLEC) intends to offer additional alternative local calling areas or measured rate options, the LEC may, upon 30 days' notice to the commission, department, Office of Attorney General-Residential Utilities Division (OAG-RUD), and CLECs certified in the applicable area, file a tariff offering additional calling areas or measured rate options. The rates charged under an alternative calling area or measured rate options must be just, reasonable, and affordable relative to the rates charged for the required calling area under subpart 1. Changes in current rates are subject to the applicable provisions of *Minnesota Statutes*, chapter 237, regarding rate changes.

#### **7812.1000 ANNUAL NOTICE OF CUSTOMER RIGHTS.**

At the time service is initiated, at least annually thereafter, and upon customer request, a local service provider (LSP) shall provide customers with a summary, in plain language, of the rights and obligations of customers as provided in items A to D.

- A. The notice must describe the complaint procedures available through the LSP and the commission, and must indicate that the customer can contact the commission if dissatisfied with the local service provider's resolution of the customer's complaint. The notice must specify the current address and the local and toll-free telephone numbers of the commission's Consumer Affairs office.
- B. The notice must describe the customer's rights regarding the payment of bills, disconnection of service, privacy, deposits, low-income assistance, hearing-impaired programs, and blocking options.
- C. The notice must summarize the commission's service quality standards and the remedies available to customers for failure to meet those standards.
- D. The notice must specify the price and service options as required by *Minnesota Statutes*, section 237.66.

#### **7812.1100 NOTICE AND DISCLOSURE OF CALLING AREA OFFERINGS.**

New calling area offerings that differ from the calling area authorized under part 7812.0900, subpart 1, must comply with the customer notice requirements of items A to C.

- A. The local service provider (LSP) shall include a map that distinguishes between the new calling area offerings and the calling area required under part 7812.0900, subpart 1, in printed advertisements and written solicitations regarding the new calling area offerings and in each customer's initial bill for service under the new calling area. The printed advertisements, written solicitations, and initial bill must include a narrative explaining the differences between the different calling area offerings, including the differences in the application of toll charges.
- B. The LSP shall identify clearly the differences between any new calling area offering and the calling area required under part 7812.0900, subpart 1, including the differences in the application of toll charges, as part of any oral solicitation or contact with a customer regarding the new calling area offerings.
- C. The LSP shall not provide service to a customer under a calling area different from the calling area authorized under part 7812.0900, subpart 1, unless the customer requests the new calling area after receiving direct notice and explanation as required under item A or B.

#### **7812.1200 PROTECTION AGAINST UNAUTHORIZED CHANGES IN SERVICE OR LOCAL SERVICE PROVIDER.**

A local service provider must comply with *Minnesota Statutes*, section 237.66, with respect to changes in a customer's local service provider.

#### **7812.1300 UNIVERSAL SERVICE.**

**Subpart 1. State universal service support mechanism.** Eligibility for any state universal service support established by the commission under *Minnesota Statutes*, section 237.16, subdivision 9, must be limited to commission-designated eligible telecommunication carriers (ETCs) that offer and market the services identified in part 7812.0600, subpart 1. The support mechanism must provide support as necessary to ensure the affordability of basic local service, on a competitively neutral basis, consistent with section 254 of the act and FCC regulations adopted under the act, for the benefit of the following categories of end-users:

- A. high-cost area end-users; and
- B. low-income end-users.

## Official Notices

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Subp. 2. **Federal universal service support mechanism.** Eligibility for federal universal service support for the benefit of high-cost area and low-income customers shall be limited to commission-designated ETCs as provided in section 254 of the federal act and applicable FCC regulations adopted pursuant to the act. Local service providers are eligible to receive federal universal service support for the benefit of rural health care providers, educational institutions, and libraries as provided in section 254, subsection (h), paragraph (1), subparagraph (B)(ii), of the act and any applicable FCC regulations.

### 7812.1400 ETC DESIGNATION

Subpart 1. **Automatic designation of LECs.** On and after the effective date of this part, each local exchange carrier (LEC) operating in Minnesota shall be designated an eligible telecommunication carrier (ETC), eligible to receive universal service support throughout its service area existing on the effective date of this part, under both the federal support mechanism established pursuant to section 254 of the act and any state fund established pursuant to *Minnesota Statutes*, section 237.16, subdivision 9.

Subp. 2. **Designation of CLECs upon petition.** Upon request and consistent with the public interest, convenience, and necessity, the commission shall designate a competitive local exchange carrier (CLEC) as an ETC and eligible to receive universal service support from the federal universal service support mechanisms under section 254 of the federal act and any state universal service fund established under *Minnesota Statutes*, section 237.16, subdivision 9, if the CLEC qualifies as an ETC under part 7812.0100, subpart 15. A request for designation as an ETC eligible to receive universal service support must be filed and decided according to the requirements of subparts 3 to 13.

Subp. 3. **Determining applicable universal service area.** A decision on a petition for designation to receive universal service support under this part must include a determination of the applicable universal service area. The commission shall determine whether the LEC serving the area for which the CLEC seeks designation to receive universal service support is a rural company under section 3(47) of the act, if the competitive local exchange carrier's petition or another party's initial comments under subpart 8 assert that the LEC is a rural company. If the applicable LEC has 50,000 or more subscribers and is not found by the commission to be a rural company, the commission shall designate the local exchange carrier's exchange area as the universal service area unless the commission finds that a smaller geographic unit would be more appropriate, based on consideration of the relevant high-cost areas designated by the FCC and the public interest.

Subp. 4. **Petition information.** A competitive local exchange carrier's petition for designation as an ETC to receive federal universal service support under section 254 of the act, or any state universal service support under *Minnesota Statutes*, section 237.16, subdivision 9, must include:

- A. the legal name, address, and telephone number of the CLEC and its designated contact person;
- B. the name, address, and telephone number of the attorney, if the CLEC will be represented by an attorney;
- C. the proposed effective date of designation of eligibility to receive universal service support;
- D. the signature and title of the CLEC officer or representative authorizing the petition;
- E. identification of the service area for which designation is sought, the LEC serving that area and whether the petitioning CLEC considers that LEC to be a rural company under section 3(47) of the act;
- F. a statement supporting the petition, which specifies why the requested designation satisfies the requirements for receiving universal service support under part 7812.0700.

Subp. 5. **Filing and service.** A local service provider (LSP) filing a designation petition under subpart 1 shall file an original and 15 copies of the petition with the commission, unless otherwise directed by the executive secretary. A copy of the petition must also be served on the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), those persons on the applicable general service list, and on all other LSPs authorized to provide services in the area for which designation is sought.

Subp. 6. **Challenges to form and completeness.** A person wishing to challenge the form or completeness of a designation petition shall do so within ten days of its filing. The filing local service provider shall reply to the challenge within five days of its filing.

Subp. 7. **Rejection of filings.** The commission shall reject a designation petition found to be substantially out of compliance with this part. A filing under this part not rejected within 45 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 8. **Initial comments.** A person wishing to comment on a designation petition under this part shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedure, together with reasons for the recommendation.

Subp. 9. **Petition to intervene.** If a person who files initial comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the reply comment period expires. The intervention petition may be combined with comments on the filing.

Subp. 10. **Reply comments.** Commenting parties have ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 11. **Nature of proceeding.** Unless all parties agree to the use of a different procedure or there are no unresolved issues of fact, the commission shall conduct an expedited proceeding under *Minnesota Statutes*, section 237.61, or refer the matter for a contested case proceeding.

Subp. 12. **Time frame for disposition.** The commission shall take final action within 180 days of the filing of the petition.

Subp. 13. **Unserviced areas.** The commission may order an LSP to provide the services that are supported by a federal universal service support mechanism to an otherwise unserved area only as provided in section 102(a) of the act and consistent with *Minnesota Statutes*, sections 237.081 and 237.16.

Subp. 14. **Relinquishment of universal service.** A local service provider may relinquish its ETC designation and accompanying universal service obligations as provided in items A to C.

- A. A local service provider seeking to relinquish its ETC designation shall file a petition with the commission, specifying the service area for which it seeks to relinquish its designation, its proposed timetable for relinquishing its designation, and the identity of the other ETCs serving the service area. The petition to relinquish must be served on the department, the OAG-RUD, and all other local service providers serving the area for which the petitioner seeks to relinquish its ETC designation.
- B. The commission shall permit a local service provider to relinquish its ETC designation if at least one other ETC serves the area for which the relinquishment is sought.
- C. The petitioning ETC shall continue to meet its ETC obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the commission's order approving the relinquishment. The commission shall specify the date upon which the local service provider may discontinue service based on the ability of other ETCs to serve the relinquishing provider's customers as provided in section 102(a) of the act.

Subp. 15. **Revocation.** The commission shall revoke a local service provider's ETC designation upon finding that the LSP does not qualify as an ETC under part 7812.0100, subpart 12. 7812.1500 INTERCARRIER NEGOTIATIONS GENERALLY.

Subpart 1. **Definitions.** The following definitions apply to parts 7812.1500 to 7812.1900:

- A. "Arbitration" means an alternative process for resolving disputes submitted to the commission pursuant to section 252 of the act, in which the commission, assisted by a neutral third party fact-finder, makes a final determination on the issues presented.
- B. "Arbitrator" means the person or persons designated by the commission to conduct arbitration proceedings as provided in part 7812.1700.
- C. "Intervenor" means a person who is not a party to the negotiation but who is permitted to participate as a party in a proceeding under part 7812.1700 or 7812.1800.
- D. "Mediation" means a voluntary alternative dispute resolution process in which a neutral third party helps parties reach a negotiated agreement as provided in part 7812.1600.
- E. "Negotiating party" means a party to negotiations under section 252 of the act.
- F. "Participant" means a person who files comments or otherwise participates in an arbitration or approval proceeding without becoming a party to the proceeding.
- G. "Party" means a party to the negotiations under section 252 of the act, or a person permitted to intervene in the arbitration or approval proceeding under part 7812.1700 or 7812.1800.
- H. "Petition for arbitration" means the petition requesting arbitration of open issues in a negotiation for interconnection or resale pursuant to section 252 of the act.
- I. "Petitioner" means a party to a negotiation who files a petition for arbitration.
- J. "Respondent" means a party to a negotiation against whom a petition for arbitration is filed.

Subp. 2. **Establishing initial service list.** Persons desiring to receive notice of (1) requests for negotiation under section 252 of the act, (2) filings related to arbitrations under part 7812.1700, and (3) approval proceedings under part 7812.1800, shall file a written request with the incumbent local exchange carrier (LEC). The LEC shall maintain a list of all persons who have filed the requests and shall provide the list to any carrier requesting negotiations under section 252 of the act. The commission's rules of practice and procedure, part 7829.0600, subparts 2 to 5, apply to this list.

## Official Notices

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Subp. 3. **Notice of interconnection request.** An incumbent LEC that receives a request for negotiation shall notify the commission in writing of the request. The notice must identify the party requesting negotiation and the date of the request. The notice must be filed and served on the other party to the negotiation, the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), and persons on the service list established under subpart 2 within ten days after receiving the request.

Subp. 4. **Update on negotiation status.** Each party to a negotiation shall, between 90 and 125 days after the request for negotiation, notify the commission in writing of the status of the negotiations. The status report must identify any issues that have been settled, provide any timetable for completing the negotiations on which the parties have agreed, and indicate the date, if any, on which the party anticipates filing for arbitration. The parties may file a joint status report in lieu of a separate report from each party.

### 7812.1600 MEDIATION OF INTERCARRIER NEGOTIATIONS.

Subpart 1. **Request for mediation.** A party may request mediation by the commission at any point during the negotiation. The parties to the negotiation may also file a joint request for mediation. The request must be in writing and must include the following information:

- A. the identity of the parties to the negotiation, including the name, address, and telephone numbers and FAX numbers of the parties or their representatives;
- B. the date on which the request for negotiation was made;
- C. a brief summary of the parties negotiation history, including meeting dates and issues discussed;
- D. a brief statement of the nature of the dispute, including a list of the issues in the negotiation that identifies which issues have already been resolved, which have not been resolved and which unresolved issues should be mediated;
- E. a statement of the parameters, if any, within which the requesting party expects the mediator to help resolve the disputed issues;
- F. a proposed calendar for the mediation, including a date by which the mediation should be terminated if an agreement is not reached;
- G. any recommendations regarding the choice of mediator, including preferences related to qualifications or individuals; and
- H. any agreements between the parties as to how the mediation should be conducted.

Subp. 2. **Notice of request.** The party requesting mediation shall serve the request on the other party or parties to the negotiation, the department and the Office of Attorney General-Residential Utilities Division (OAG-RUD).

Subp. 3. **Response to request.** The negotiating party that did not file a mediation request shall file with the commission a written response to the request within ten days after being served under subpart 2. The response must be served as provided in subpart 2. The response must indicate whether the party is willing to participate in a mediation and identify any disagreements with the text of the petition for mediation.

Subp. 4. **Decision to initiate mediation.** The commission shall initiate a mediation upon request under subpart 2 unless another party to the negotiation indicates in writing that it will not participate in a mediation. The mediation shall be initiated by appointing a mediator under subpart 5.

Subp. 5. **Appointment of mediator.** Within 15 days after receiving the mediation request, the commission or the commission's executive secretary shall appoint a person or persons to serve as mediator unless a party to the negotiation has submitted written notice that it will not participate in the mediation. Upon appointment, the mediator shall contact the parties promptly and establish a time to begin mediation. This subpart does not preclude the parties, by mutual agreement, from seeking private mediation from some other source in lieu of mediation under this part.

Subp. 6. **Mediator qualifications.** The person appointed to mediate must be an administrative law judge assigned by the Office of Administrative Hearings, a member of the commission's staff, or a person retained by the commission on contract for the purpose of mediating under this part. The mediator assigned must have training or experience in mediation or expertise in the subject matter of the negotiations.

Subp. 7. **Mediator neutrality and participation in subsequent proceedings.** The mediator must have no personal or financial interest in the outcome of the negotiations. The mediator shall not conduct or participate in any arbitration or approval proceedings regarding the matters submitted for mediation except as provided in subpart 15.

Subp. 8. **Mediator role.** The mediator has no authority to compel a settlement, but shall attempt to encourage voluntary settlement by the parties. The mediator may make suggestions or, subject to the consent of the parties, take actions the mediator considers helpful in facilitating a settlement. The mediator's actions may include:

- A. scheduling meetings;
- B. directing the parties to provide and exchange information;

- C. holding private caucuses with each party;
- D. consulting other sources such as the department or commission staff; and
- E. making oral or written recommendations for settlement.

Subp. 9. **Representation of parties.** A party may be represented by counsel or others of the party's choice.

Subp. 10. **Privacy.** Persons other than the parties' representatives may attend mediation sessions or otherwise participate in the mediation only upon agreement of the parties and the mediator.

Subp. 11. **Confidentiality.** Records, reports, or other documents received by the mediator while serving in that capacity must not be divulged by the mediator in any subsequent proceeding. In any subsequent proceeding, the parties shall not rely on or introduce as evidence any of the following:

- A. views expressed or suggestions made by another party with respect to a possible settlement of the dispute;
- B. admissions made by another party in the course of the mediation;
- C. proposals made or views expressed by the mediator; or
- D. the fact that another party did or did not indicate a willingness to accept a proposal for settlement made by the mediator.

Subp. 12. **Discovery.** Subpart 11 does not require the exclusion of evidence in subsequent proceedings that is otherwise discoverable.

Subp. 13. **Record.** No stenographic record or electronic recording of the mediation process is permitted.

Subp. 14. **Termination of mediation.** The mediator shall end the mediation under any of the following circumstances:

- A. the parties execute an agreement on all the issues in dispute in the mediation;
- B. at least one party submits to the mediator and serves on the parties a written declaration of the party's unwillingness to continue the mediation; or
- C. the mediator determines that the mediation is unlikely to lead to a settlement, in which case the mediator shall serve on the commission and the parties a written statement terminating the mediation.

Subp. 15. **Mediator serving as arbitrator.** The mediator shall not conduct or participate in the arbitration proceedings under part 7812.1700 unless all the parties to the negotiation agree in writing. If the parties and mediator agree to have the mediator conduct the arbitration proceedings under part 7812.1700, they shall notify the commission in writing of this agreement. The mediator is deemed to have been designated to conduct the arbitration effective upon commission receipt of the written notice.

#### **7812.1700 ARBITRATION OF INTERCARRIER NEGOTIATIONS.**

Subpart 1. **Request to arbitrate.** During the period from the 135th day to the 160th day, inclusive, after the date on which an incumbent local exchange carrier (LEC) receives a request to negotiate under section 252, subsection (a), of the act, any party to the negotiation may petition the commission to arbitrate unresolved issues in the negotiation. The petition must include the following:

- A. the name, address, and telephone number of the petitioner and its counsel;
- B. the name, address, and telephone number of the other party to the negotiation and its counsel;
- C. a brief summary of the negotiation history since the request for negotiation was made, including meeting dates;
- D. the date of the initial request for negotiation and the dates 135 days, 160 days, and nine months after that date;
- E. a list of the issues resolved by the parties, including a copy of any proposed contract language that reflects the resolution of those issues;
- F. a list of the unresolved issues, if any, that are not being submitted for arbitration;
- G. a list of the unresolved issues submitted for arbitration and the position of each of the parties with respect to those issues;
- H. any proposed contract language reflecting the parties' positions;
- I. a written narrative that explains the petitioner's position on each disputed issue and indicates how the petitioner's and respondent's positions meet or fail to meet the requirements of the act, applicable FCC regulations, applicable state statutes, and applicable rules, orders, or policies of the commission;
- J. any terms and conditions the petitioner recommends imposing;
- K. a proposed schedule for implementing the terms and conditions imposed in the arbitration;
- L. a recommendation as to what information the other parties to the negotiation should provide, including a narrative explaining the relevance and importance of the information;

## Official Notices

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- M. a proposed agreement reflecting the petitioner's recommended resolution of the disputed issues;
- N. all documentation in the petitioner's possession or control that is relevant to the dispute, including:
  - (1) the documents the petitioner intends to rely on to support its position on each issue, including exhibits the petitioner intends to introduce at the arbitration hearing;
  - (2) to the extent prices are in dispute, the petitioner's proposed rates or charges and relevant cost studies and other information supporting those rates or charges;
- O. any procedural recommendations regarding the conduct of the arbitration;
- P. any request for a protective order;
- Q. a list of all the witnesses and exhibits the petitioner intends to present at the arbitration hearing under subpart 17; and
- R. any request for consolidation under subpart 12.

**Subp. 2. Response to petition.** A nonpetitioning party or other interested person shall file with the commission any request to modify the procedures under this part or to consolidate the proceeding under subpart 11 within five days after the petition is filed. A nonpetitioning party shall file with the commission a complete response to the arbitration petition within 25 days after the petition is filed. The response must include the information required for petitions under subpart 1.

**Subp. 3. Service and verification of petition and response.** The petition and response must be served on the other party to the negotiations, the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), and all persons on the service list established pursuant to part 7812.1500, subpart 2. Petitions and responses under subparts 1 and 2, and their accompanying documentation, must be verified.

**Subp. 4. Assignment of arbitrator.** The commission shall meet and issue an order assigning an arbitrator within 25 days after the petition is filed. The commission may appoint a single arbitrator or a panel of arbitrators. The order may include procedural requirements or guidelines for the conduct of the arbitration in addition to those established in this part, and must include a decision on any request to consolidate proceedings under subpart 12. If the procedures set forth in the commission's order conflict with the procedures established in this part, the commission shall vary the requirements of this part as necessary under part 7829.3200.

**Subp. 5. Mediation-arbitration hybrid.** The arbitration shall proceed without a commission order under subpart 4 if the arbitrator was designated under part 7812.1600, subpart 15, unless a party files a petition with the commission to decide procedural disputes regarding the conduct of the arbitration.

**Subp. 6. Arbitrator qualifications.** The arbitrator must be, or the arbitration panel must include, an administrative law Judge with the Office of Administrative Hearings or a person with arbitration or adjudicative experience retained by the commission on contract for the purpose of arbitrating under this part. If an arbitration panel is used, the administrative law judge or other experienced arbitrator under contract with the commission shall chair the panel.

**Subp. 7. Arbitrator neutrality.** The person assigned to conduct the arbitration proceedings must have no personal or financial interest in the outcome of the proceeding. The arbitrator must not have participated or assisted materially in the negotiations leading up to the arbitration unless the arbitrator served as a mediator and was assigned under part 7812.1600, subpart 15, or the negotiating parties otherwise agree expressly in writing to waive the limitation in this subpart.

**Subp. 8. Arbitrator role and authority.** The arbitrator shall conduct the arbitration proceedings and submit a recommended decision to the commission. The commission is the final arbiter and shall issue the final binding decision under section 252, subsection (b), paragraph (4), of the act. The arbitrator has those duties and powers necessary to conduct the arbitration, including the authority to:

- A. conduct hearings and prehearing conferences;
- B. direct parties to serve verified statements and exhibits;
- C. supervise discovery procedure;
- D. administer oaths and affirmations;
- E. examine witnesses and allow parties to examine an adverse party or agent;
- F. rule upon matters that do not result in the final determination of the proceeding;
- G. direct any person to produce witnesses or information relevant to issues in the arbitration;
- H. waive any of the requirements in this part upon agreement of the parties or for good cause;
- I. issue protective orders as provided in subpart 9; and
- J. issue proposed arbitration decisions as provided in subpart 19.

Subp. 9. **Proprietary information.** Trade secret and proprietary information must be treated as provided under the commission's rules of practice and procedure, part 7829.0500. At any time during the proceeding, the arbitrator or commission may enter an order to protect the confidential, proprietary, or trade secret nature of data, information, or studies.

Subp. 10. **Intervenors and participants.** The department and OAG-RUD may intervene in an arbitration proceeding by filing comments or a request to intervene within 25 days after the arbitration petition is filed. The comments or intervention request must be served on the negotiating parties and the persons on the service list established under part 7812.1500, subpart 2. No other intervention is permitted. Others wishing to participate may attend hearings as observers, file written comments and request the opportunity for oral argument to the arbitrator or the commission as provided in part 7829.0900.

Subp. 11. **Staff involvement.** Commission staff may attend all prehearing conferences and hearings. Staff may question witnesses to the extent the arbitrator considers the questions relevant and helpful in developing a record for decision.

Subp. 12. **Consolidation.** A party or other interested person may petition the commission to consolidate an arbitration with another arbitration or related proceeding. The petition must identify the issues common to the proceedings for which consolidation is sought, indicate the appropriate deadline for completing the consolidated proceeding, and explain why the request should be granted based on the criteria in items A to D. The commission may also take up the issue of consolidation on its own motion. The commission may consolidate an arbitration with another proceeding if the rights of the parties or the public interest will not be materially prejudiced by consolidation. The commission shall decide whether to consolidate based on:

- A. the commonality of issues and interests in the proceedings;
- B. the degree to which consolidation would reduce administrative burdens on the commission and the parties in the proceedings for which consolidation is being considered;
- C. the administrative burdens and delay that may result from consolidation; and
- D. the rights and preferences of the parties.

Subp. 13. **Discovery request and response.** A party may serve requests for discovery on other parties at any time after the arbitration petition is filed, and may seek discovery by any means available under the Rules of Civil Procedure for the District Courts of Minnesota, subject to the discretion of the arbitrator under subpart 14. Initial requests for discovery must be served no later than 35 days after the arbitration petition is filed. The response to the request must explain any refusal to provide the information requested. The request and response must be served on the parties and filed with the arbitrator and the commission.

Subp. 14. **Arbitrator discretion.** The arbitrator may establish a schedule for discovery and set any reasonable limits on the type, scope, or extent of discovery as needed to avoid delay or undue hardship on a party. The arbitrator's authority includes, but is not limited to, authority to set deadlines for responses to discovery requests and to limit the number of questions permitted in any written depositions or interrogatories.

Subp. 15. **Inadequate response to discovery requests.** If a party believes another party has failed to respond adequately to a discovery request, the party shall file a written statement to that effect with the arbitrator before the hearing has closed. The statement must identify specifically the alleged inadequacies and provide the reasons for concluding that the discovery responses were inadequate. The party against whom the allegation is made may file a written statement responding to the allegation according to the timetable established by the arbitrator. The arbitrator or commission may do any of the following based on a party's failure to respond adequately to discovery requests or cooperate in the discovery process:

- A. issue an order to compel discovery;
- B. resolve the issue to which the discovery pertains in favor of the party making the discovery request; or
- C. treat the failure as a failure to negotiate in good faith under the act.

Subp. 16. **Prehearing conference.** The arbitrator shall hold at least one prehearing conference no later than ten days after the response to the arbitration petition is filed under subpart 2. The arbitrator shall ensure the parties receive notice of the prehearing conference at least 48 hours in advance. The notice may be provided in writing by mail, hand-delivery or facsimile, or orally by telephone. The arbitrator may hold as many prehearing conferences as necessary to ensure the fair and expeditious conduct of the arbitration. The prehearing conferences may be used to set the hearing schedule and guidelines, and to consider all other relevant procedural matters, including:

- A. identification and narrowing of issues;
- B. amendments to documents;
- C. limitations on the number of witnesses; and
- D. discovery.

## Official Notices

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Subp. 17. **Hearing.** If material issues of fact are in dispute, the arbitrator must conduct a hearing with the opportunity for cross-examination. The arbitrator shall schedule the hearing to ensure the proceeding can be completed by the deadline under the act. The arbitrator shall conduct the hearing according to the following procedures:

- A. The arbitrator shall serve notice of the hearing on all parties and participants at least five days before the hearing begins.
- B. Oral testimony must be given under oath and witnesses are subject to cross-examination.
- C. The arbitrator may, with or without timely objection, exclude evidence or limit testimony that is irrelevant or unduly repetitious.
- D. The arbitrator shall ensure that a written transcript of the hearing is prepared.

Subp. 18. **Posthearing argument and comment.** Parties shall file briefs and reply briefs as directed by the arbitrator. Participants may file comments and reply comments during the briefing period.

Subp. 19. **Arbitrator's recommended decision.** The arbitrator shall issue a recommended decision on the issues submitted for arbitration no later than 35 days before the date nine months after the request for negotiation that gave rise to the arbitration. The decision must be in writing, setting forth the recommended resolution of each issue submitted for arbitration that has not been resolved through subsequent negotiations. The decision must also include a recommended schedule for implementation by the parties. The decision must be accompanied by a written memorandum that provides the rationale for each recommended resolution, including any necessary findings and relevant citations to law or the record.

Subp. 20. **Exceptions.** The parties and participants may file exceptions to the recommended decision and requests for oral argument with the commission no later than ten days after the arbitrator issues the recommended decision under subpart 19.

Subp. 21. **Commission decision.** The commission shall issue a final arbitration decision no later than 35 days after the arbitrator issues the recommended decision. The decision must include a resolution of each issue submitted for arbitration that has not been resolved through subsequent negotiations. The decision must also include a schedule for implementation by the parties and a deadline for submitting a final agreement to the commission for approval under part 7812.1800.

Subp. 22. **Decision criteria.** Issues submitted for arbitration must be resolved consistent with the public interest, to ensure compliance with the requirements of sections 251 and 252(d) of the act, applicable FCC regulations, and applicable state law, including rules and orders of the commission.

Subp. 23. **Burden of proof.** The burden of production and persuasion with respect to issues of material fact are on the incumbent LEC. The facts at issue must be proven by a preponderance of the evidence. The arbitrator may shift the burden of production as appropriate, based on which party has control of the critical information regarding the issue in dispute. The arbitrator may also shift the burden of proof as necessary to comply with applicable FCC regulations regarding burden of proof.

### 7812.1800 AGREEMENT APPROVAL.

Subpart 1. **Filing of agreement.** The negotiating parties shall submit a complete agreement to the commission by the deadline established in the commission's final arbitration order under part 7812.1700, subpart 21, unless the agreement does not include any arbitrated terms, in which case the parties may file the agreement at a time of their own choosing. The agreement must contain all negotiated and arbitrated terms and must include a memorandum that:

- A. identifies and explains inconsistencies between the arbitrated terms of the agreement and the commission's arbitration decision;
- B. explains how the agreement is consistent with the public interest and nondiscriminatory as to other local service providers;
- C. describes the likely impact, if any, on the rates or service of the end-use customers of both providers; and
- D. provides the rationale for severance, if requested under subpart 3.

Subp. 2. **Service.** The negotiating parties shall serve the agreement on the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), and persons on the service list established under part 7812.1500, subpart 2. The agreement must be served on the same day it is submitted to the commission.

Subp. 3. **Severance of arbitrated and negotiated terms.** The commission shall consider arbitrated terms separate from negotiated terms with respect to a single negotiation request under the act only if the commission finds that the arbitrated matters are unrelated to the negotiated matters as, for example, wholesale rates for resale may be unrelated to interconnection issues. A request for severance under this subpart must be made in writing prior to or as part of the filing of the agreement under subpart 1.

Subp. 4. **Comments.** Parties and participants may file written comments on the filing under subpart 1 no later than ten days after the agreement is filed.



Subp. 5. **Decision criteria.** The commission shall reject an agreement if it finds that the agreement discriminates unreasonably against another telecommunications carrier as defined in *United States Code*, title 47, section 153, subsection (r), paragraph (49), is inconsistent with the public interest or, with respect to its arbitrated terms, fails to comply with the commission's arbitration decision under part 7812.1700, subpart 21, or meet the arbitration standards set forth in part 7812.1700, subpart 22.

Subp. 6. **Commission decision.** The commission shall issue a written order accepting or rejecting the agreement. The commission shall issue its decision no later than 90 days after the agreement is filed unless:

- A. the parties to the agreement agree to extend the deadline;
- B. the agreement filed under subpart 1 contains no negotiated terms, in which case the commission shall issue its decision within 30 days; or
- C. the commission considers the arbitrated terms separately as a separate agreement pursuant to a severance under subpart 3, in which case the commission shall issue its decision with respect to the arbitrated terms within 30 days.

Subp. 7. **Rehearing.** If the commission rejects an agreement, the parties may file a petition for rehearing at any time, provided the parties have agreed to changes that they believe remedy the deficiencies identified by the commission. If the parties cannot agree on changes, they shall proceed with negotiations and, if necessary, arbitration according to section 252 of the act and parts 7812.1500 to 7812.1800.

#### **7812.1900 DISPUTES ARISING UNDER EXISTING AGREEMENTS.**

Disputes arising in the implementation of an agreement must be submitted to the commission for arbitration under part 7812.1700, unless the agreement provides a different mechanism for resolving those disputes.

#### **7812.2000 RURAL CARRIER EXEMPTION FROM NEGOTIATION AND INTERCONNECTION REQUIREMENTS.**

Subpart 1. **Notice of claim to rural exemption.** A local exchange carrier (LEC) or small local exchange company (SLEC) seeking to retain or establish a rural company exemption under *United States Code*, title 47, section 251, subsection (f), paragraph (1), shall, no later than 20 days after receiving a competitive local exchange carrier's bona fide request for interconnection, services, or network elements under *United States Code*, title 47, section 251, notify the requesting company, the commission, the department, and the Office of Attorney General-Residential Utilities Division (OAG-RUD), of its claim to the exemption. An LEC or SLEC failing to assert its exemption claim as provided in this subpart is deemed to have waived any right it may have to the exemption for purposes of the specific bona fide request for which it has failed to assert the exemption. The notice must state the basis upon which the LEC or SLEC considers itself to be a rural company under section 3(47) of the act.

Subp. 2. **CLEC response to exemption claim.** An affected competitive local exchange carrier (CLEC) shall file any challenge to a local exchange carrier's exemption claim under subpart 1, including a request to terminate the exemption, within 20 days after receiving the local exchange carrier's notice under subpart 1.

Subp. 3. **Commission decision.** The commission shall determine a local exchange carrier's eligibility for an exemption asserted under subpart 1, including whether the exemption should be terminated, as provided in *United States Code*, title 47, section 251, subsection (f), paragraph (1), and applicable FCC regulations. A commission decision to deny or terminate an exemption must include a schedule for implementing the negotiation, arbitration, and agreement approval requirements of *United States Code*, title 47, section 252.

#### **7812.2100 SUSPENSIONS OR MODIFICATIONS OF INTERCONNECTION REQUIREMENTS.**

Subpart 1. **Petition for suspension or modification.** A local exchange carrier (LEC) or small local exchange company (SLEC) seeking suspension or modification of the requirements of *United States Code*, title 47, section 251, subsection (b) or (c), pursuant to *United States Code*, title 47, section 251, subsection (f), paragraph (2), shall file a petition with the commission. The petition must include:

- A. the legal name, address, and telephone number of the LEC or SLEC and its designated contact person;
- B. the name, address, and telephone number of the attorney if the LEC or SLEC will be represented by an attorney;
- C. the date of the filing, which is the date the commission receives the local exchange carrier's filing or the date designated by the LEC or SLEC, whichever is later;
- D. the proposed effective date of the suspension or modification sought by the LEC or SLEC;
- E. the signature and title of the LEC or SLEC officer or representative authorizing the petition;
- F. a description of the obligations the LEC or SLEC seeks to suspend or modify, including specific references to the relevant provisions of section 251, subsection (b) or (c), of the act;
- G. a detailed description of the modifications or suspensions the LEC or SLEC is seeking, including the proposed duration of each suspension or modification;

## Official Notices

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- H. the number of subscriber lines the LEC or SLEC has nationwide, at the holding company level, and the local exchange carrier's estimate of the total number of all LEC or SLEC subscriber lines nationwide;
- I. a statement supporting the petition, which must specify why each requested modification or suspension meets the conditions for modification or suspension specified in section 251, subsection (f), paragraph (2), subparagraphs (A) and (B), of the act and applicable FCC regulations; and
- J. a statement as to whether the LEC or SLEC requests the commission to grant a temporary stay under subpart 9 of the obligations the LEC seeks to modify or suspend.

Subp. 2. **Filing and service.** The petition filed under subpart 1 must be served on the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), each competitive local exchange carrier (CLEC) to which the requested suspensions or modifications would likely apply, and those persons on an applicable general service list established by the commission.

Subp. 3. **Challenges to form and completeness.** A challenge to the form or completeness of a petition filed under subpart 1 must be received by the commission and served on the LEC or SLEC within ten days after the local exchange carrier's petition is filed. The LEC or SLEC shall reply to the challenge within five days of the date it receives the filing challenging its petition.

Subp. 4. **Rejection of filings.** The commission shall reject a modification or suspension petition it finds to be substantially out of compliance with subpart 1 or 2. A modification or suspension petition is considered to be in substantial compliance with subparts 1 and 2 if the commission does not issue an order rejecting the petition within 45 days after the petition is filed.

Subp. 5. **Initial comments.** Comments on a modification or suspension petition must be filed with the commission within 20 days after the petition is filed. Initial comments must include a recommendation on the type of proceeding the commission applies to the petition and the reasons for the recommendation.

Subp. 6. **Reply comments.** Reply comments must be filed with the commission within ten days after the deadline for filing initial comments under subpart 5. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 7. **Petition to intervene.** Petitions to intervene must be filed by the deadline for reply comments under subpart 6. An intervention petition may be combined with initial or reply comments filed under subpart 5 or 6.

Subp. 8. **Nature of proceeding.** Unless all parties agree to use a different procedure or there are no material issues of fact in dispute, the commission shall conduct an expedited proceeding under *Minnesota Statutes*, section 237.61, or refer the matter for a contested case proceeding under *Minnesota Statutes*, chapter 14.

Subp. 9. **Stay of LEC obligations pending final disposition of petition.** The commission may suspend enforcement of any of the obligations which the local exchange carrier's petition seeks to modify or suspend pending final disposition of the petition if, based on the standards applied by Minnesota courts for granting temporary injunctions, the commission determines that a suspension would be appropriate.

Subp. 10. **Commission disposition.** The commission shall decide the petition according to the requirements in section 251, subsection (f), paragraph (2), subparagraphs (A) and (B), of the act and applicable FCC regulations.

Subp. 11. **Time frame for disposition.** The commission shall take final action on a petition within 180 days after receiving a petition that substantially complies with the filing requirements of subpart 1 and 2.

### 7812.2200 REGULATORY TREATMENT OF CLECS.

Unless provided otherwise in this chapter, the local services provided by a competitive local exchange carrier (CLEC) are subject to *Minnesota Statutes*, chapter 237, and the commission's rules in the same manner as the local services provided by a local exchange carrier (LEC), except that the CLEC is not subject to *Minnesota Statutes*, section 237.22, and is not subject to rate-of-return regulation or earnings investigations under *Minnesota Statutes*, section 237.075 or 237.081. A competitive local exchange carrier's local services are also subject to *Minnesota Statutes*, section 325F.692.

### 7812.2300 RULE REVIEW AND REVISION.

The commission shall appoint a task force no later than January 2, 2002, to evaluate the provisions in this chapter and determine whether any provisions of this chapter should be revised or deleted. The task force shall make its recommendations to the commission within six months after the date it is appointed. As a result of the task force recommendations, the commission may propose revisions to this chapter or any other related rules.

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# State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Labor and Industry

### Notice of Availability of Labor Education Advancement Program Grants and Request for Proposals

The Commissioner of the Minnesota Department of Labor and Industry announces the availability of funds for the operation of Labor Education Advancement Programs (L.E.A.P.) in the State of Minnesota.

Funds will be available during each year of the State's fiscal years beginning July 1, 1997 and July 1, 1998.

The commissioner shall award grants to community-based organizations serving the targeted populations on a competitive request-for-proposal basis. Interested organizations shall apply for the grants on the form referred to in Section V. As part of the proposal process, applicants must provide a statement of need for the grant, a description of the targeted population and apprenticeship opportunities, a description of activities to be funded by the grant, evidence supporting the ability to deliver services, information related to coordinating grant activities with other employment and training programs, identification of matching funds, a budget, and performance objectives. Each submitted proposal shall be evaluated for completeness and effectiveness of the proposed grant activity.

#### Program and Proposal Information

##### I. PURPOSE

The purpose of this grant will be to provide for the operation of the Labor Education Advancement Program (L.E.A.P.).

##### II. OBJECTIVE

The objective of the L.E.A.P. grant is to increase the participation of people of color and women in apprenticeable trades and related occupations. Apprenticeable trades and occupations are approved by, and registered with the Department of Labor and Industry, Division of Voluntary Apprenticeship. To be considered apprenticeable the trade or occupation must contain at least 2,000 hours of hands-on training, not infringe on other trade programs, provide a reasonable wage, provide high level skill training, provide related educational instruction to supplement the hands-on training and lead to employment. Related occupations are those which provide training for individuals for future placement in apprenticeship trades or occupations.

##### III. PROCESS

The Commissioner will accept proposals for the operation of a L.E.A.P. grant for state fiscal year beginning July 1, 1997. Funds will be available for a one year grant and will be subject to renewal for a second year, without further application, upon submission of satisfactory final first year report and projections for the renewal.

##### IV. ELIGIBLE GRANT PROPOSALS

Proposals will be accepted from community-based organizations serving the targeted population on a competitive request-for-proposals basis.

##### V. LEAP GRANT PROPOSALS

Organizations wishing to apply for a LEAP grant must call the Department of Labor and Industry, Division of Apprenticeship at 612-296-2371, or 1-800-657-3607, and request a copy of the LEAP Grant Proposal form. Only complete LEAP Grant Proposals will be accepted.

##### VI. PROPOSAL CONTENTS

At a minimum, a proposal will be expected to contain the following information, in addition to the items listed above:

###### A. Program Administration/Management

1. Administrative Structure (including personnel)
2. Program narrative outlining the organization's mission, goals, objective, and performance indicators
3. List of Advisory Council or Advisory Committee members who provide guidance in placement of clients in registered apprenticeship programs

## State Grants and Loans

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- B. Budget
  - 1. Amount requested
  - 2. Line item breakdown of operating costs
  - 3. List sources of nonstate matching funds/dollar for dollar match
  - 4. Budget Narrative
- C. Demographic Data
  - 1. Identification of geographic area served
  - 2. Rate of unemployment in service area
  - 3. Comparative data on the ratio of unemployment between minorities and nonminorities in the service area
  - 4. Percent of racial minorities in area served
  - 5. Source of demographic data
- D. Evidence of ability to deliver services, which may be demonstrated by one or more of the following:
  - 1. Previous experience operating a L.E.A.P. program and documented results (please provide details of L.E.A.P. operation)
  - 2. Previous experience providing job training and job placement services to economically disadvantaged individuals, diverse ethnic and racial minority groups, females and places of employment
  - 3. Provide documentation of existing working relationships with employers and labor organizations
  - 4. Means of measuring outcomes (effectiveness of program)
- E. Statement of assurance including
  - 1. The department or state may conduct post-grant audits
  - 2. The applying organization has an effective equal employment policy
  - 3. Evidence of Workers' Compensation coverage as required by Minnesota law
  - 4. Performance and financial reports will be submitted on due dates

### VII. PROPOSAL DEADLINE

Interested parties must submit a properly completed grant proposal form no later than 4:00 p.m., June 6, 1997. Proposals must be submitted to:

Gary Bastian, Commissioner  
Minnesota Department of Labor and Industry  
3rd Floor Commissioners Office  
443 Lafayette Road  
St. Paul, MN 55155

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Grants Available to Community and Government Units for Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the of \$830,000.00 in grant money. Applications will be accepted from State, County, Local Police or Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. The moneys granted out must be dedicated to the area of auto theft. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention office at (612/405-6153 or 612/405-6155).

# Professional, Technical & Consulting Contracts

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, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

## Department of Human Services

### Moose Lake Regional Authority

#### Request for Proposals for Chaplaincy Services

The Minnesota Department of Human Services, Moose Lake Regional Authority is soliciting proposals for services of one chaplain to perform chaplaincy services for the Moose Lake Regional Authority, Department of Human Services for the period July 1, 1997 - June 30, 1998.

This request for proposal does not obligate the State to complete the contract and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

#### I. Nature of Contract

To provide chaplaincy services at the Minnesota Sexual Psychopathic Personality Treatment Center to insure that all patients have an opportunity to practice personal religious beliefs in a manner consistent with their wishes and the traditions of their faith group.

#### II. Goals and Objectives

A chaplain will be available on a part-time basis for the provision of pastoral care for patients.

#### III. Contractor's Duties

1. The chaplain will provide a weekly formal worship service for interested patients.
2. The chaplain will conduct special services, i.e. Thanksgiving, Christmas, Good Friday interfaith services.
3. The chaplain will provide information on chaplaincy services new patients, i.e. meeting each new patient, visiting patients, distributing written materials as appropriate.
4. The chaplain will provide counseling in unresolved grief, shame, family conflict and resentment both on an informal and formal basis as requested by patients and as time permits.
5. The chaplain will conduct groups as requested and as time permits, such as Bible study groups, 4th and 5th step groups, etc.
6. The chaplain will assist in locating other religious resources that are not available at our facility when requested by patients.

#### IV. Human Rights Compliance

It is hereby agreed between the parties that *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification to it. A copy of *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available upon request from the contracting agency, the Department of Human Services.

#### V. Submission of Proposals

All proposals must be sent to and received by:

Moose Lake Regional State Operated Services  
Frank R. Milczark  
Chief Executive Officer  
1111 Hwy. 73  
Moose Lake, MN 55767

not later than 12:00 PM, June 1, 1997.

Late proposals will not be accepted. Submit six copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside, and with evidence of the responder's compliance

## **Professional, Technical & Consulting Contracts**

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with the Human Rights Act attached to the envelope or package. Each copy of the proposal must be signed in ink, with original signature by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

### **VI. Amount of Contract**

The estimated amount of contract is \$12,500.00.

### **VII. Proposal Contents**

- a. Resume' with prospective contractor's educational and professional background required.

### **VIII. Evaluation**

All proposals received by the deadline specified in Section V. will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process.

### **IX. Department Contacts**

Prospective responders who have any questions regarding this Request for Proposals may call or write:

Moose Lake Regional State Operated Services  
Darrell Ruhland  
1111 Hwy. 73  
Moose Lake, MN 55767  
(218) 485-5300

## **Department of Human Services**

### **Moose Lake Regional Authority**

### **Request for Proposals for Psychiatric Consultant Services**

The Minnesota Department of Human Services, Moose Lake Regional Authority is soliciting proposals for services of one Psychiatrist to perform consultation services in Psychiatry for the Moose Lake Regional Authority, Department of Human Services for the period July 1, 1997 - June 30, 1998.

This request for proposal does not obligate the State to complete the contract and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

#### **I. Nature of Contract**

Treatment of psychiatric patients and overall direction to treatment teams dealing with psychiatric disorders.

#### **II. Goals and Objectives**

Many of our clients suffer from psychiatric disorders. Effective treatment requires the services of many professionals including medical doctors specializing in psychiatry so that accurate diagnosis and proper treatment is provided especially in the use of chemical therapy.

#### **III. Contractor's Duties**

- a. Perform duties as the primary attending psychiatrist to those patients and residents who are assigned to his caseload.
- b. Assume responsibility for the general medical condition of the patients or residents assigned to his care.
- c. Provide continuous care for those patients assigned to his caseload.
- d. Provide care in accordance with Federal and State laws, statutes, regulations and rules, and policies of Department of Human Services and the Moose Lake Regional Authority and the rules and regulations of the medical staff of Moose Lake Regional Authority.

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## Professional, Technical & Consulting Contracts

- e. Cooperate with legal and welfare entities by furnishing, consistent with the Minnesota government Data Practices Act, *Minnesota Statutes*, Chapter 13, medical psychiatric information known to the contractor and by responding to legal process.
- f. Provide emergency psychiatric consultation by phone;
- g. Provide information to community mental health facility to insure provision of follow-up care for individuals who have been discharged from Moose Lake Regional Authority.
- h. Participate in utilization review activities at the request of the Medical Director; and
- i. Retention of records relevant to this contract for a period of five years following expiration of this contract and assuring the records accessibility at reasonable hours to the Moose Lake Regional Authority.

### IV. Submission of Proposals

All proposals must be sent to and received by:

Moose Lake Regional State Operated Services  
Frank R. Milczark  
Chief Executive Officer  
1111 Hwy. 73  
Moose Lake, MN 55767

not later than 12:00 PM, May 19, 1997.

Late proposals will not be accepted. Submit six copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside, and with evidence of the responder's compliance with the Human Rights Act attached to the envelope or package. Each copy of the proposal must be signed in ink, with original signature by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

### VI. Amount of Contract

The estimated amount of contract is \$20,000.00.

### VII. Proposal Contents

- a. Resume' with prospective contractor's educational and professional background required.
- b. Proof of valid license to practice medicine in Minnesota in accordance with *Minnesota Statutes*, Chapter 147.
- c. Submit proof of registration with the Drug Enforcement Administration
- d. Submit proof of professional liability insurance coverage.

### VIII. Evaluation

All proposals received by the deadline specified in Section V. will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process.

### IX. Department Contacts

Prospective responders who have any questions regarding this Request for Proposals may call or write:

Moose Lake Regional State Operated Services  
Gregory Peterson, M.D.  
1111 Hwy. 73  
Moose Lake, MN 55767  
(218) 485-5300

## Professional, Technical & Consulting Contracts

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### Department of Natural Resources

#### Request for Professional/Technical Services from Illustrators, Graphic Artists, or Qualified Individuals to Create Original Black and White, Pen and Ink Illustrations

The Minnesota Department of Natural Resources, Division of Fish and Wildlife is seeking proposals from technical illustrators, graphic artists, or other qualified individuals and organizations to create 253 original black and white, pen and ink illustrations. These illustrations will be part of a book, tentatively titled "Trees and Shrubs of Minnesota" under production by the DNR. Interested individuals or organizations should submit a proposal to the Minnesota Department of Natural Resources which includes the following information.

1. **Information on the proposer** which details training, experience and/or background in the areas of technical illustrating. Specific information on projects that required drawings related to woody plant features (leaves, twigs, fruit, etc.) would be beneficial.

2. **A minimum of two references** (preferably past clients or customers) who can attest to the abilities and working interactions of the proposer.

3. **A timetable for completion** of this project specifying major milestones. All illustrations must be completed and delivered to the DNR no later than June 30, 2000.

4. **A minimum of ten** (a maximum of fifteen) examples of drawings (please send copies, not original artwork) created by the proposer which highlights technical illustration capabilities. Examples of pen and ink drawings of woody plant features would be most desirable.

5. **A cost summary** and proposal under one, or both of the following scenarios

- The illustrator would convey all rights to the DNR for the illustrations,
- The illustrator maintains the copyright to the illustrations but would provide an irrevocable license agreement at no additional cost to the DNR, which would permit the DNR to utilize the images in any appropriate DNR publication.

The Department of Natural Resources will pay the cost of researching and producing these drawings in the size and quality that adheres to the requirements of the book not to exceed \$27,000. For a specification sheet which outlines the general size and nature of the drawings please contact:

Tom Baumann  
500 Lafayette Rd. Box 46  
St. Paul, MN 55155  
612/297-4192



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## Professional, Technical & Consulting Contracts

The proposer shall submit five copies of their proposal to:

Bonita Eliason  
DNR-Division of Fish and Wildlife  
500 Lafayette Rd. Box 25  
St. Paul, MN 55155

no later than 4:00 p.m., Friday, May 23, 1997. All questions should be forwarded to Ms. Eliason who can be contacted at the above address or by calling 612/297-2276.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Business Group businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline (612) 296-2600 TTD (612) 282-5799.

## Department of Trade and Economic Development

### Minnesota Office of Tourism

#### Request for Proposals for the State Tourism Advertising Contract

**NOTICE IS HEREBY GIVEN** that the Minnesota Office of Tourism (MOT), a division of the state Department of Trade and Economic Development, is seeking proposals for the 1998 statewide travel guide to be published by MOT. The services will be provided under a contract for a period of approximately seven months, anticipated to be from June-December, 1997. The vendor must provide these services in a high quality, efficient and cost-effective manner.

The guide will be approximately 132 pages in length and 8.5 x 11 inches in size. MOT will provide the editorial content of the guide and all photography, and will sell ad space to tourism promotion organizations that will total approximately 45 pages.

The layout of the guide will follow the design of the 1997 Minnesota Trade Guide. Design services will include updating with new text and photos, layout of advertising pages, design services for advertisers and pre-press production.

For more information contact:

Joan Hummel  
Minnesota Office of Tourism  
100 Metro Square  
121 Seventh Place East  
Saint Paul, MN 55101-2112  
Direct Telephone/Voice Mail: 612/297-4714

**NOTE:** Other department personnel are NOT allowed to discuss the Request for Proposals with anyone, including responders, before the proposal submission deadline.

In compliance with *Minnesota Statutes* 16b.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

The proposal deadline is 4:00 p.m., Friday, May 30, 1997. Proposals received after the deadline will not be considered.

# Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Minnesota Workers' Compensation Assigned Risk Plan

### Notice of Request for Proposals for Collection Services

The Minnesota Workers' Compensation Assigned Risk Plan intends to contract with one or more licensed collection agencies to provide collection services. The contract period will commence on August 1, 1997. Interested parties may obtain the complete Request for Proposals by sending a written request by mail or fax to:

MWCARP Administrative Office  
4500 Park Glen Road, Suite 410  
Minneapolis, MN 55416  
FAX: (612) 922-5423

Deadline for submission of proposals is Wednesday, June 11, 1997 at 4:00 p.m.

## Environmental Protection ---

### Videos & Training Material

#### Transport Packaging: *Reducing Waste & Saving Money* - Video **New!**

Video shows how business can eliminate waste and increase profits with reusable and source-reduced transport packaging. Includes *Reusable Transport Packaging Directory*. (color, 12 minutes, 1997) Stock No. 4-22 \$9.50

#### Source Reduction: *How to Implement a Source Reduction Program* - Video **New!**

Video and resource manual *Source Reduction* Now demonstrates how to set up a source reduction program in a commercial, industrial or institutional organization. (color, 12 minutes, 1997) Stock No. 4-21 \$8.50

#### Motor Vehicle Salvage Facility Environmental Compliance Manual & Video

Durable manual and color video *Salvage Yards & the Environment: The Next Generation*, AND 3 work-site posters. Convenient tabs guide you through general operating procedures, draining, dismantling & storage practices, waste handling, storage and disposal practices, PLUS a quick reference table for handling hazardous waste. 220pp. with VHS. (PCA, 1994) Stock No. 10-9 \$35.00

#### Hazardous Waste: Identification & Evaluation - Video

Find out how to determine if a waste is hazardous, and what basic steps to take to evaluate wastes. Fact sheets on F-listed wastes are included with video. (color, 9.5 minutes, 1995) Stock No. 4-7 \$10.00

#### Blue Ribbon Task Force Report

Findings and recommendations of task force examining the funding of Minnesota's water quality programs. 76pp. (PCA, 1995) Stock No. 10-5 \$19.95

#### Common Automotive Wastes - Video

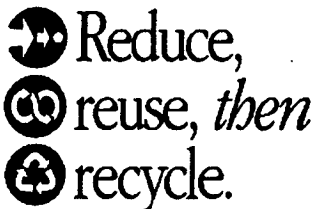
Video covers eight sections on hazardous wastes most commonly found in vehicle maintenance and collision-repair operations (antifreeze, lead acid batteries, sludges and residues, parts washer solvents & cleaners, towels, wipes and sorbents, used oil and paint-related wastes). Includes management options for each plus a 'Used Oil' fact sheet. (color, 17.5 minutes, 1995) Stock No. 4-8 \$10.00

#### Hazardous Waste Storage - Video

Learn how to choose the right container, close and mark it correctly, plus proper care when moving it off-site. Also includes handy storage poster and fact sheet on labeling and storing hazardous waste correctly. (color, 12.5 minutes, 1994) Stock No. 4-6 \$10.00

#### MPCA Point-Source Final Report **New!**

Phase 2 of *Blue Ribbon Task Force Report* features improvement initiative. 142pp. (PCA, 1996) Stock No. 10-1 \$10.95



# History

## Twin Cities, Then & Now **New!**

The award-winning author of *Lost Twin Cities*, presents this nostalgic and at times unsettling look at the evolution of building landscapes in Minneapolis and St. Paul. Informative essays accompany 72 historic photos taken from the 1880's to the late 1950's which are paired with new black & white photos of the same areas. Soft-cover, 213pp. (MHS Press, 1996) Stock No. 17-12 \$24.95

## Lost Twin Cities

A richly illustrated architectural and social history of the downtowns of St. Paul & Minneapolis emphasizes the growth and development of the two downtowns in the 19th century and their subsequent alteration in the 20th century. 1993 International Architecture Book Award Winner from the American Institute of Architects. Soft-cover, 370 photographs/336pp. (MHS Press, 1992) Stock No. 17-11 \$29.95

## 100 places plus 1

### *An unofficial architectural survey of favorite Minnesota sites*

A memorable look at Minnesota's rich architectural landscapetold through a collection of photos and short essays by architects, writers and designers discussing their favorite public places. Everything from historic landmarks to shopping areas, cafes to museums. Soft-cover, 115pp. (AIA Minnesota, 1996) Stock No. 19-24 \$19.95

## North Star Statehouse: *An Armchair Guide to the Minnesota State Capitol*

A great walk-along guide takes you through each corridor and room to discover the artwork, building materials and uses of this architectural treasure. Great teaching tool about Minnesota history. Softcover, 106pp. (Pogo Press, 1994) Stock No. 19-20 \$16.95

## High Bridge St. Paul, 1989-1985

Photo-essay history of a St. Paul landmark. Soft-cover, 58pp. (MnDOT, 1985) Stock No. 17-36 \$3.25

## James J. Hill House

Fascinating look inside the 36-room 1891 mansion. Notes the striking architectural details and provides a look at upstairs and downstairs life in the Victorian era. Soft-cover, 36pp. (MHS Press, 1993) Stock No. 17-3 \$7.50

## Charles A. Lindbergh House

Tour the Lindbergh house in the comfort of your home. Learn about Lindbergh's house and family, career as an aviator and his love and commitment to wilderness protection. Packed with photos. Soft-cover, 32pp. (MHS Press, 1994) Stock No. 17-27 \$7.50

## Minnesota History Magazine

Quarterly magazine highlights the rich history of Minnesota with interesting narrative, photos and prints from the past. (MHS Press, 1997) Stock No. 17-39 \$5.00

## Genealogical Resources

**of the Minnesota Historical Society**  
Discover your OWN roots: This guide's annotated, alphabetical listings of resources will direct you through the extensive library of references available at the Society. Soft-cover, 63pp. (MHS Press, 1989) Stock No. 17-51 \$5.95

## Searching for Your Ancestors **New!**

### *The How and Why of Genealogy*

This revised, sixth edition provides step by step guidance to help you: construct a family tree, trace elusive ancestors, discriminate between promising leads and false information, and use new computer research methods, both in the United States and abroad. Book offers a common-sense approach to research. Soft-cover, 334pp. (UM Press, 1995) Stock No. 19-27 \$17.95

## Dining Car Line to the Pacific

Reminisce with this illustrated history and behind-the-scene story of the Northern Pacific Railway and its "famously good" food. Includes 150 authentic recipes. Soft-cover, 164pp. (MHS Press, 1990) Stock No. 17-8 \$19.95

## Split Rock Lighthouse

The story of the people who fought to have the beacon built and the modest keepers whose vigilance has kept ships safe since 1910. Soft-cover, 32pp. (MHS Press, 1993) Stock No. 17-6 \$7.50

## Fort Snelling: Colossus of the Wild

History of the fort from 1800 to 1970, from the Louisiana Purchase which opened the Midwest to settlement to its present day restoration. A brief history full of fascinating anecdotes. Soft-cover, 48pp. (UM Press, 1987) Stock No. 17-5 \$5.95

## The Story of Minnesota's Past

A readable and authoritative history of the state embraces the broad sweep of change over the land from glacial ages to the 1980s. Packed with photos and illustrations. Soft-cover, 231pp. (MHS Press, 1991) Stock No. 17-23 \$22.50

## Inheriting the Land

A compelling anthology focusing on the rural Midwest. Include works by some of the best and well-known Midwestern writers of today—Jonis Agee, Louise Erdrich, Jon Hassler, William Stafford, Carol Bly, Garrison Keillor, and others. Together they eloquently express the beauty and enduring appeal of our landscape. Soft-cover, 335pp. (UM Press, 1993) Stock No. 9-10 \$17.95

## The Epic of Minnesota's Great Forests

The story of the painting of the University of Minnesota campus 10' x 45' mural depicting the rise and fall of the timber empire. Learn about the inspiration behind each section of the full mural and about the process of creating the mural. Fold-out booklet with envelope. (Printing Enterprises, 1995) Stock No. 19-3 \$6.95

## Murder in Minnesota

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