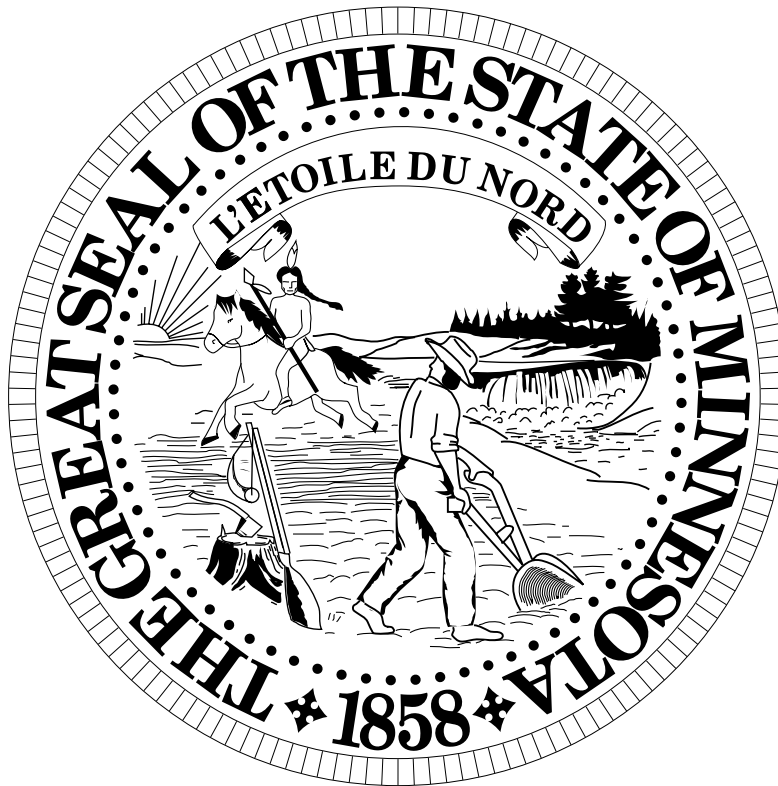


State of Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 31 December 2001
Volume 26, Number 28
Pages 875-898

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

Jesse Ventura, Governor (651) 296-3391

Mae Schunk, Lt. Governor (651) 296-3391

Department of Administration:

David F. Fisher, Commissioner (651) 296-1424

Kent Allin, Asst. Commissioner (651) 297-4261

Mike Hatch, Attorney General (651) 297-4272

Judi Dutcher, State Auditor (651) 297-3670

Communications Media Division:

Mary Mikes, Director (651) 297-3979

Chris Schanus, Manager (651) 282-2974

Mary Kiffmeyer, Secretary of State (651) 296-2079

Carol Johnson, State Treasurer (651) 296-7091

Robin PanLener, Editor (651) 297-7963

Jane Schmidley, Assistant Editor (651) 296-4273

Jessie Rahmeyer, Subscriptions (651) 297-8774

Printing Schedule and Submission Deadlines – SEE NOTICE AT BOTTOM OF PAGE

Vol. 26 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
#28	Monday 31 December	Noon Wednesday 19 December	NOON FRIDAY 21 DECEMBER
#29	Monday 7 January 2002	Noon Wednesday 26 December	NOON FRIDAY 28 DECEMBER
#30	Monday 14 January	Noon Wednesday 2 January 2002	Noon Tuesday 8 January 2002
#31	TUESDAY 22 JANUARY	Noon Wednesday 9 January	Noon Tuesday 15 January

Copyright © 2001 Communications Media Division, Department of Administration, State of Minnesota.

Publication Number: 326630 (ISSN 0146-7751)

SUBSCRIPTION SERVICES: Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*. See the *State Register* and *Solicitation Announcements* at website: <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00.
- *Solicitation Announcements* (published every Tuesday and Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Solicitation Announcements* \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Solicitation Announcements* \$1.00. Shipping is \$3.00 per order.

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$12.20 per tenth of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

"Affidavit of Publication" costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

The *State Register* is published by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

Legislative Information

Senate Public Information Office (651) 296-0504

State Capitol, Room 231, St. Paul, MN 55155

Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

House Information Office (651) 296-2146

State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155

Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Minnesota State Court System

Court Information Office (651) 296-6043 Website: www.courts.state.mn.us

Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155

Minnesota Rules: Amendments & Additions		
Volume 26, Issues #15-28.....	878	
Proposed Rules		
Public Utility Commission		
Repealing obsolete utility rules and making conforming changes.....	880	
Revenue Notices		
Department of Revenue		
Revenue Notice #01-11: Sales and Use Tax - Transitional period for delivery charges	887	
Revenue Notice #01-12: Sales and Use Tax - Prepared food	888	
Official Notices		
Agriculture Department		
Meeting schedule for 2002.....	890	
Minnesota State Rehabilitation Council		
Applications sought for appointments	890	
Minnesota Higher Education Facilities Authority		
Public hearing on revenue obligations for the University of St. Thomas	891	
Human Services Department		
Annual synar report availability for federal year 2002.....	891	
Change in medical assistance rates for dental services and special transportation	892	
State Contracts		
Public Safety Department		
Request for proposals for CriMNet integration infrastructure project	894	
Transportation Department		
Request for proposal for traffic training	895	
Non-State Contracts & Grants		
Metropolitan Council		
Request for proposals for detailed engineering design services.....	896	
Metropolitan Council - Metro Transit		
Request for proposals for 25 articulated transit buses	896	
Request for sealed bids for refurbished freight elevator.....	897	
Solid Waste Management Coordinating Board		
Request for bids for residential backyard composting bins	897	
University of Minnesota		
Bid Information Service (BIS) available for all potential vendors	897	

Commodity, Service, and Construction contracts are published Tuesday and Friday in a bulletin, the ***Solicitation Announcements***. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** www.mmd.admin.state.mn.us

Individual copies and subscriptions or the ***State Register*** and ***Solicitation Announcements*** are available through Minnesota's Bookstore, (651) 297-3000, or (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 1999 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 26, Issues #15-28

Agriculture Department

1525.0920; .0930; .0940; .1040; .1070; .1100; .1470; .2300; .2310; .2320; .2330; .2370; .2390; .2470; .2480;	
1530.0990; .1000; .1010; .1110; .1360; .1660; .1700; .1720; .2210; .2220; .2230; .2240 (adopted)	627
1525.0470; .0480; .0490; .0500; .0530; .0540; .0570; .0580; .0590; .0620; .0630; .0640; .0650; .0661; .0700; .0710; .0720; .0730; .0740; .0750; .0760; .0770; .0780; .0790; .0800; .0810; .0820; .0840; .0850; .0860; .0870; .0880; .0890; .0910; .0950; .0960; .0980; .0990; .1000; .1010; .1030; .1050; .1060; .1080; .1090; .1110; .1120; .1130; .1140; .1150; .1160; .1170; .1180; .1190; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; .1320; .1350; .1360; .1370; .1380; .1390; .1400; .1410; .1420; .1430; .1440; .1450; .1460; .1510; .2500; .2510; .2520; .2530; 1530.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0390; .0400; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480; .0490; .0500; .0510; .0520; .0530; .0540; .0550; .0560; .0670; .0580; .0590; .0600; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0700; .0710; .0720; .0730; .0740; .0750; .0760; .0770; .0780; .0790; .0800; .0810; .0820; .0970; .1040; .1050; .1070; .1080; .0190; .1100; .1350; .1410; .1420; .1430; .1440; .1450; .1460; .1470; .1480; .1490; .1500; .1510; .1515; .1520; .1530; .1540; .1550; .1560; .1570; .1580; .1590; .1600; .1610; .1620; .1630; .1640; .1650; .1670; .1680; .1690; .1730; .1760; .1770; .1780; .1790; .1800; .1820; .1830; .1840; .1850; .1860; .1870; .1880; .1890; .1900; .2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070; .2080; .2090; .2100; .2110; .2120; .2130; .2140; .2150; .2160; .2170; .2180; .2190; .2200; .2250; .2260; .2270; .2280; .2290; .2300; .2310; .2320; .2330; .2340; .2350; .2360; .2370; .2380; .2390; .2400; .2410 (repealed)	627
1555.6950 (proposed)	768

Aminal Health Board

1720.1600 (proposed)	836
----------------------	-----

Arts Board

1900.1510; .1910; .2010; .2610 (proposed)	804
---	-----

Chiropractic Examiners Board

2500.6000 (proposed)	512
2500.6000; .6050 (withdrawn)	566

Children, Families and Learning Department

3525.0200; .0755; .1310; .1329; .1333; .1335; .1339; .1341; .1348; .1352; .2325; .2340; .2710; .2810; .3010; .3100; .3600; .3700; .3750; .4100; .4210; .4410; .4600; .4700; .4770 (proposed)	657
3525.0200 s.7a; .1329 s.2; .1333 s.3; .1510; .2550 s.1; .2750; .2900 s.1, 3; .3700 s.2; .4200; .4400 (repealer)	657

Electricity Board

3800.3820; .3825; .3830; .3835; .3840; .3845; .3850; .3855; .3860; .3865; .3870 (proposed)	652
--	-----

Environmental Quality Board

4401.0100; .0200; .0300; .0400; .0450; .0460; .0470; .0500; .0550; .0600; .0610; .0620; .0700; .0800 (proposed)	692
---	-----

Health Department

4620.0050; .0100; .0300; .0350; .0400; .0450; .0750; .0950; .0955; .0960; .0975; .1000; .1010; .1025; .1030; .1100; .1200; .1300; .1400; .1425; .1440 (proposed)	720
4620.0700 (proposed repealer)	720
4650.0102; .0111; .0112; .0113; .0115; .0117; .0138 (adopted)	627
4650.0102, s.12c (repealed)	627
4670.0610; .1320; .2000; .2500; .2530; .4210; .4220; .4230 (adopted)	811

Higher Education Services Office

4830.7500 (adopted)	700
4850.0011; .0014; .0016; .0017 (proposed)	546
4850.0011 s.28 (proposed repealer)	546

Housing Finance Agency

4900.2420; .2440; .2460; .2480; .2500; .2520; .2560 (adopted)	863
4900.2420 s. 13 (repealed)	863
4900.3600; .3610; .3620; .3630; .3632; .3634; .3640; .3642; .3644; .3646; .3648; .3650; .3652 (proposed)	837

Minnesota Rules: Amendments and Additions

4900.3700; .3705; .3700; .3720; .3721; .3722; .3723; .3724; .3725;
.3726; .3727; .3728; .3729; .3730; .3731; .3740; .3741; .3742;
.3743; .3744; .3745; .3746; .3760; .3761; .3762; .3763; .3764;
.3765; .3766; .3767; .3768; .3769 (proposed)..... 847
4900.1920; .1921; .1922; .1923; .1924 (proposed repealer) 847

Labor and Industry Department

5205.0010 (adopted exempt)..... 490
5205.0010 (adopted exempt)..... 701
5210.0600; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680;
.0690; .0700; .0710; .0720; .0730; .0740; .0750; .0760
(exempt repealed)..... 701
5219.0500; 5221.4020 (adopted exempt)..... 490

Natural Resources Department

6264.0400 (adopted expedited emergency) 565
6264.0400 s.4 (May 7, 2001, 25 SR 1779, and June 25, 2001,
25 SR 1965) (repealed) 565

Public Safety Department

7420.0200; .0300; .0400; .9910; .9920; .9930 (exempt repealed) ... 744
7502.0420 (adopted exempt)..... 491
7520.0350; .0650; .1000; .1100 (adopted)..... 812

Public Utilities Commission

7810.2500; .8100; .8200; .8500; .8635; 7820.2800; 7825.3400;
7849.0010; 7851.0200; 7853.0030; .0200; .0210; .0220;
.0230; .0300; .0310; .0320; .0330; .0340; .0400; .0440;
7855.0200 (proposed) 880
7810.3400, s.2; .8625 s.5; .8630 s.6; .8740; .8745; .8750; .8755;
.8800; .8900; .8905; .8910; .8915; .8920; .8925; .8930; .8935;
.8940; 7827.0100; .0200; .0300; .0400; .0500; .0600; 7829.2200;
7853.0010 s.13; .0700; .0710; .0720; .0730; .0740; .0750;
.0760; .0770; .0780; .0790 (proposed repealer)..... 880
7820.1600; .1800; .1900; .2000; .2100; .2300 (adopted exempt) 668
7820.1600 s.2b becomes .1600 s.2f (exempt renumberer) 668
7820.1600 s.2a, 3a; .2010 (exempt repealer) 668

Minnesota Sate Retirement System

7905.0100; .0300; .0800; .0900; .1200; .1500; .1600; .2000; .2200;
.2300; .2400; .2500; .2560; .2600 (adopted exempt) 629
7905.0100 s.12, 18a; .2200 s. 1, 2, 3, 4 (exempt repealer) 629

Revenue Department

8122.0500 (adopted exempt)..... 771
8165.0200; .0300; .0400 (adopted)..... 771

Teaching Board

8710.7200 (proposed) 809
8700.7620; 8710.4750 (adopted) 700
8710.1250; .4525; .4725; .5900; .8000; .8010; .8020; .8030; .8040;
.8050; .8060; .8070; .8080 (adopted)..... 700
8750.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0071; .0072;
.0073; .0082; .0085; .0090; .3000; .3010; .3050; .3100; .3150;
.3170; .3200; .3250; .3300; .3350; .3400; .3420; .3450; .3500;
.3550; .3600; .3620; .3650; .3800; .3810; .3820; .3830; .3840;
.6000; .6100; .6200; .6300; .6500; 8710.0550 s.11 (repealed) 700

Human Services Department

9505.0045; .0065; .0075; .0110; .0115 (proposed)..... 484
9505.0015, s. 2, 7, 10, 15, 26, 29, 30, 35, 43; .0016; .0020; .0030, s. 2, 3;
.0040; .0044; .0055, s. 1, 2, 3, 4; .0058; .0059; .0060; .0061; .0062;
.0063; .0064; .0065, s. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; .0070, s. 9; .0071,
s. 3, 4; .0075, s. 1, 2, 3, 5, 6, 7, 8, 9, 10; .0090, s. 1; .0110, s. 2; .0115,
s. 3, 5; .0120; .0130 s. 3; .0135, s. 5, 6; .0145; .0150 (proposed
repealer) 484
9505.0270 (proposed) 740
9505.0270 s. 3, 4, 5, 6, 7, 8, 9 (proposed repealer) 740
9505.0390 (adopted) 487
9575.0090; .0350; .0550; .0680 (adopted)..... 811
9575.0550 s.4; .0650 s.3 (repealed) 811

Available at Minnesota Bookstore

Order form on back page

From Rockford Publishing and Cloud Cartographics, these county plat map books are great for the hunter/adventurer or the prospective land owner seeking property sites. Includes key county government offices as well as an alphabetized business directory, city maps and an index to owners.

COUNTY	Stock No./Price	COUNTY	Stock No./Price
Aitkin County	12-66 \$35.00	Lake County	12-28 \$30.00
Becker County	12-79 \$30.00	Meeker County	12-29 \$30.00
Beltrami County	12-67 \$30.00	Mille Lacs County	12-30 \$30.00
Blue Earth County	12-20 \$25.00	Morrison County	12-31 \$30.00
Carlton County	12-68 \$30.00	Otter Tail County	12-33 \$30.00
Carver County	12-21 \$30.00	Pine County	12-73 \$40.00
Cass County	12-22 \$30.00	St. Louis Co. (North)	12-74 \$35.00
Chisago County	12-23 \$30.00	St. Louis Co. (South)	12-75 \$35.00
Cook County	12-24 \$25.00	Scott County	12-40 \$25.00
Crow Wing County	12-70 \$30.00	Sherburne County	12-41 \$30.00
Dakota County	12-80 \$35.00	Stearns County	12-42 \$25.00
Douglas County	12-81 \$30.00	Steele County	12-43 \$25.00
Fillmore County	12-25 \$30.00	Todd County	12-44 \$30.00
Freeborn County	12-78 \$25.00	Wabasha County	12-82 \$40.00
Hubbard County	12-71 \$30.00	Wadena County	12-46 \$30.00
Isanti County	12-26 \$30.00	Winona County	12-77 \$30.00
Itasca County	12-76 \$35.00		
Kanabec County	12-27 \$30.00		
Koochiching County	12-72 \$35.00		

Visit our website:
minnesotasbookstore.com

Attention Hunters!
Plat Maps

Minnesota's Bookstore offers the
**most comprehensive selection of
Minnesota plat map books
currently available.**

651.297.3000
800.657.3757
Mon-Fri
8am-5pm

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*.

Public Utilities Commission

Proposed Permanent Rules Repealing Obsolete Utility Rules and Making Conforming Changes

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests for Hearing Are Received

Revision to Remove Obsolete Provisions in *Minnesota Rules*, Chapters 7810, 7820, 7825, 7827, 7829, 7849, 7851, 7853 and 7855, Public Utilities Commission Docket No. U-999/R-00-1661

Introduction. The Public Utilities Commission intends to amend its rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. But if 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on January 30, 2002, a public hearing will be held at the Public Utilities Commission small hearing room, 121 Seventh Place East, Suite 350, St. Paul, Minnesota, starting at 9:30 a.m. on February 11, 2002. To find out whether the rules will be amended without a hearing or if the hearing will be held, you should contact the agency contact person after January 30, 2002 and before February 11, 2002.

Agency Contact Person. Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to Eric Witte, Commission Attorney, Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul MN 55101-2147, **phone:** (651) 296-7814, **fax:** (651) 297-7073, **TTY:** (651) 297-1200, **email:** eric.witte@state.mn.us

Subject of Rules and Statutory Authority. The proposed amendments are designed to repeal obsolete portions of the Commission's rules, and to make conforming changes, as follows:

- The Commission repealed *Minnesota Rules* chapter 7830 (Practice and Procedure) when it adopted chapter 7829, but many Commission rules retain references to chapter 7830.
- *Minnesota Rules* part 7810.3400, subp. 2, addresses eight-party local telephone service. This rule is obsolete because multi-party service has been virtually eliminated by *Minnesota Statutes* § 237.068 and Commission orders implementing that section.
- *Minnesota Statutes* § 237.5799 contained sunset clauses for §§ 237.58; 237.60, subd. 1, 2 and 5; 237.62; and 237.625. Sections 237.58 and 237.62 pertained to noncompetitive telecommunications services. Section 237.625 pertained to incentive regulation for telephone companies. And section 237.60, subd. 2, pertained to emerging telephone competition. The expiration of these statutes also rescinded the Commission's authority for a number of rules.
- *Minnesota Rules* chapter 7827 provides transition rules occasioned by the federal Tax Reform Act of 1986. This chapter is now unnecessary because adjustments for the Tax Reform Act are now fully implemented.

- The Revisor of Statutes changed the codification of *Minnesota Statutes* § 216B.2421, warranting a corresponding change to the citations in *Minnesota Rules* 7849.0010.
- A number of rules refer to large oil facilities and oil refineries. The Legislature removed these entities from the Commission's jurisdiction when it changed the definition of "large energy facility" at *Minnesota Statutes* § 216B.2421, subd. 2.
- The Commission repealed *Minnesota Rules* chapter 7847 (Large Energy Facilities), but some Commission rules retain references to that chapter.
- The Revisor of Statutes has identified various changes to improve or simplify the language of the Commission's rules without altering their substance.

For the foregoing reasons, aspects of the Commission's rules are obsolete or otherwise warrant revision. The proposed amendments are published in the *State Register*, and a free copy is available from the agency contact person. The statutory authority for amending these rules is *Minnesota Statutes*, sections 216A.05, 216B.08, 216B.09, 237.10, 237.16 and 237.74.

Comments. You have until 4:30 p.m. on January 30, 2002, to submit written comment in support of or in opposition to the proposed rule amendments or any part or subpart of the amendments. Your comment must be in writing and be received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the amendments addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed amendments must also be made during this comment period. Please include a reference to **Public Utilities Commission Docket No. U-999/R-00-1661** at the beginning of your comments.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the proposed amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 30, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose all of the amendments. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed amendments. Again, please include a reference to **Public Utilities Commission Docket No. U-999/R-00-1661** at the beginning of your request.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Accommodation. 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, or if you need an accommodation to make this hearing accessible, please contact the agency contact person listed above.

Modifications. The proposed rule amendments may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for February 11, 2002, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the proposed rules. If you request a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after December 31, 2000, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the proposed amendments, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. The Administrative Law Judge assigned to conduct the hearing is Beverly Jones Heydinger, Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, MN 55401-2138, **phone:** (612) 612-341-7606, **fax:** (612) 349-2665.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Proposed Rules

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed amendments. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record during the five working days following the public hearing. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

Any person submitting written views or data to the Administrative Law Judge before the hearing, or during the comment or response periods, will also please submit a copy to the agency contact person at the address stated above. Please include a reference to **Public Utilities Commission Docket No. U-999/R-00-1661** at the beginning of the documents.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed amendments, including a description of who will be affected by the proposed amendments and an estimate of the probable cost. You may review the statement, or obtain copies at the cost of reproduction, from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board, Centennial Building, First Floor South, 658 Cedar Street, St. Paul, MN 55155, **phone:** (651) 296-5148, or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may amend its rules after the end of the comment period. The amendments 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 amendments are submitted to the office. If you want to be notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record the Administrative Law Judge will issue a report on the proposed amendments. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the amendments and files them with the Secretary of State; you can make this request at the hearing or in writing to the agency contact person stated above.

Order. I direct that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 19 December 2001

Burl Haar
Executive Secretary

7810.2500 ESCROW PAYMENTS.

To submit a payment in escrow, the customer ~~must~~ shall make payment of the amount due as shown on the bill through an escrow form clearly marked and provided by the utility. The escrow payment form must provide space for the customer to explain why the utility's resolution of the dispute is unsatisfactory to the customer. The form must be in three copies, one of which will be retained by the customer. A copy of the escrow payment form must be forwarded by the customer to the Public Utilities Commission. By submitting the escrow payment form to the commission, the customer ~~shall be~~ is deemed to have filed an informal complaint against the utility, pursuant to the commission's rules of practice, parts ~~7830.0100 to 7830.4300~~ 7829.0100 to 7829.3200. Any escrow payment to the utility may be applied by the utility as any normal payment received by the utility. After escrow payment has been made, the customer and the utility may still resolve the dispute to their mutual satisfaction.

Upon settlement of the dispute, any sums to which the customer is found to be entitled ~~to must~~ shall be refunded to the customer ~~shall~~ and must be supplemented by a six percent per annum interest charge from the date of payment to the date of return by the utility.

7810.8100 PURPOSE.

The purpose of parts 7810.8100 to ~~7810.8940~~ 7810.8815 is to describe the filing requirements for telephone companies under the jurisdiction of the commission for:

A. tariffs, price lists, and new service offerings under *Minnesota Statutes*, sections 237.06 and 237.07;

B. rate changes including general rate changes under *Minnesota Statutes*, section 237.075; and

C. miscellaneous tariff changes under *Minnesota Statutes*, section 237.63; and emerging competitive service rate changes proposed under *Minnesota Statutes*, section 237.60;

~~C. competitive services under *Minnesota Statutes*, sections 237.59, 237.60, and 237.62; and~~

~~D. incentive plans under *Minnesota Statutes*, section 237.625.~~

7810.8200 DEFINITIONS.

[For text of subps 1 to 16, see M.R.]

Subp. 17. **Language change.** “Language change” means a miscellaneous tariff change under *Minnesota Statutes*, section 237.63, subdivision 2, ~~or a price list change under *Minnesota Statutes*, section 237.60, paragraph (e);~~ that changes the language describing the rate, price, term, or condition of a service that does not substantially alter the application of the tariff or price list.

[For text of subps 18 to 31, see M.R.]

7810.8500 NEW SERVICE OFFERINGS.

A telephone company shall file the following information with the department and the commission for each new service offering. The information must:

A. identify and describe separately each new telephone service and state separately the rates applicable to each;

B. include any new or revised ~~pages~~ page to the tariff book or price list, ~~be~~ in a format consistent with the currently filed tariff or price list; ~~and, if a revised page must,~~ contain the revision number and the page number it is revising;

C. include information explaining the estimated impact on the company’s revenues and expenses for noncompetitive services as a result of the new service offering; and

D. include an incremental cost-of-service study, ~~or if allowed pursuant to *Minnesota Statutes*, section 237.60, subdivision 2, paragraph (h), a variable cost study;~~ demonstrating that the rate for each new emerging competitive service offering is above incremental cost ~~or, if allowed, variable cost.~~

7810.8635 SUPPLEMENTAL FINANCIAL INFORMATION.

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

Subp. 2. **Workpapers.** The company shall file workpapers that show how the test year rate base and income statement components and adjustments have been determined. The workpapers must include:

A. supporting data and calculations showing the development of the unadjusted jurisdictional test year amounts for the rate base and operating income statement; and

B. supporting data and calculations showing the development of each test year adjustment and the proposed jurisdictional test year amounts for the rate base and operating income statement;

~~C. supporting calculations showing the development of the revenue requirement under *Minnesota Statutes*, section 237.62, subdivision 1 or 1a, including a detailed description of the methods used to prepare cost studies, to separate costs, and to make the appropriate allocations.~~

The workpapers described in items A ~~to C~~ and B must be filed with the commission, the department, and the attorney general’s office, in quantities established by the agencies, and supplied to other parties on request.

[For text of subps 3 to 8, see M.R.]

7820.2800 ESCROW PAYMENTS FOR DISPUTES.

To submit a payment in escrow, the customer ~~must~~ shall make payment of the amount due as shown on the bill through an escrow form, clearly marked and provided by the utility.

The escrow payment form must provide space for the customer to explain why the utility’s resolution of the dispute is unsatisfactory to the customer. The form must be in three copies, one of which will be retained by the customer. A copy of the escrow

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

payment form must be forwarded by the customer to the Public Utilities Commission. Any escrow payment to the utility may be applied by the utility as any normal payment received by the utility. After escrow payment has been made, the customer and the utility may still resolve the dispute to their mutual satisfaction.

By submitting the escrow payment form to the commission, the customer ~~shall be~~ is deemed to have filed an informal complaint against the utility, pursuant to the commission's rules of practice, parts ~~7830.0100 to 7830.4300~~ 7829.0100 to 7829.3200. Upon settlement of the dispute, any sum to which the customer is found to be entitled ~~to must~~ be refunded to the customer ~~shall and must~~ be supplemented by an eight percent per annum interest charge from the date of payment to the date of return by the utility.

7825.3400 PROCEDURES SUBSEQUENT TO NOTICE.

Any amended notice ~~shall must~~ be served at least 90 days prior to the proposed effective date of modified rates. If a notice or an amended notice is complete in all material respects as prescribed by parts 7825.3100 to 7825.4400, the commission shall follow the procedures outlined in the rules of practice, parts ~~7830.0100 to 7830.3500~~ 7829.0100 to 7829.3200. Upon acceptance of the notice and the determination that a hearing ~~shall must~~ be conducted, but before the proposed effective date of the modified ~~rated rate~~ schedules, the commission may, by written directive, explaining the reasons therefor, signed by the authority of the commission, and served upon the utility, suspend the operation of the utility's modified rate schedules but not for a longer period than 90 days beyond the time when the modified rates would otherwise go into effect unless the commission ~~shall find~~ finds that a longer time will be required, in which case the commission may further extend the period for not to exceed a total of nine months. Such directive ~~shall must~~ include authority for the utility to place suspended rates into effect, subject to refund, provided that the bond and sureties or that the agreement to refund as specified in part 7825.3300 is approved by the commission.

7849.0010 DEFINITIONS.

[For text of subps 1 to 12, see M.R.]

Subp. 13. **LEGF; large electric generating facility.** "Large electric generating facility" or "LEGF" means an electric power generating unit or combination of units as defined by *Minnesota Statutes*, section 216B.2421, subdivision 2, ~~paragraph (a) clause (1).~~

Subp. 14. **LHVTL; large high voltage transmission line.** "Large high voltage transmission line" or "LHVTL" means a conductor of electrical energy as defined by *Minnesota Statutes*, section 216B.2421, subdivision 2, ~~paragraph (b) clause (2), and associated facilities necessary for normal operation of the conductor, such as insulators, towers, substations, and terminals.~~

[For text of subps 15 to 33, see M.R.]

7851.0200 APPLICATION PROCEDURES AND TIMING.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Hearing.** ~~A~~ An administrative law judge shall be assigned, and a public hearing shall be scheduled to commence, no later than 80 days after the receipt of the application, in accordance with rules of procedure governing certificate of need ~~program, parts 7847.0010 to 7847.0320 filing, part 7829.2500,~~ and the Office of Administrative Hearings' rules for contested cases, ~~parts 1400.5010 to 1400.8400 chapter 1400.~~

[For text of subps 6 to 9, see M.R.]

7853.0030 SCOPE OF RULES.

Each petroleum supplier applying for a certificate of need for one of the following types of large energy facilities shall provide all information required by this chapter:

- A. a new large ~~oil or~~ LPG storage facility;
- B. a new large petroleum pipeline facility;
- C. ~~a new oil refinery;~~
- ~~D.~~ any project that, within a period of one year, would expand the LPG storage capacity of an existing LPG storage facility in excess of either 20 percent of capacity of 100,000 gallons, whichever is greater; and
- ~~E.~~ any project that, within a period of one year, would expand the oil storage capacity of an existing oil storage facility in excess of either 20 percent of capacity or 1,000,000 gallons, whichever is greater;
- ~~F.~~ D. any project that, within a period of two years, would expand an existing large petroleum pipeline in excess of either 20 percent of its rated capacity or 10,000 barrels per day, whichever is greater; and
- ~~G.~~ any project that, within a period of four years, would expand an existing oil refinery in excess of either 20 percent of its rated throughput or 10,000 barrels per day, whichever is greater.

Exception: any person who as of the effective date of this chapter has begun or has completed construction of a large energy facility ~~shall~~ is not be subject to this chapter for that facility.

7853.0200 APPLICATION PROCEDURES AND TIMING.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Hearing.** An administrative law judge shall be assigned, and a public hearing shall be scheduled to commence, no later than 80 days after the receipt of the application, in accordance with the rules of procedure governing certificate of need ~~program, chapter 7847 filing, part 7829.2500,~~ and the Office of Administrative Hearings' rules of contested case procedures, ~~parts 1400.5100 to 1400.8500~~ chapter 1400.

[For text of subps 6 to 9, see M.R.]

7853.0210 FILING FEES AND PAYMENT SCHEDULE.

Subpart 1. **Fees.** The fee for processing an application shall be:

- A. \$2,000 plus \$10 per 100,000 gallons of design storage capacity for a large ~~oil or~~ LPG storage facility; or
- B. \$5,000 plus \$1 for each mbpd-mile for a large petroleum pipeline;
- ~~C. \$10,000 plus \$200 per thousand barrels of design daily throughput for a new oil refinery; or~~
- ~~D. \$5,000 plus \$100 per thousand barrels of additional daily throughput for an expansion of an existing oil refinery; plus such additional fees as are reasonably necessary for completion of the evaluation of need for the proposed facility.~~

In no event shall the total fee required of any applicant exceed \$50,000.

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

7853.0220 CONTENTS OF APPLICATION.

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

Subp. 4. **Additional information.** Additional information shall be provided for specific types of facilities as indicated:

- A. large ~~oil or~~ LPG storage facility: refer to part 7853.0300; and
- B. large petroleum pipeline facility: refer to part 7853.0500; and
- ~~C. oil refinery: refer to part 7853.0700.~~

7853.0230 GENERAL INFORMATION SECTION.

Subpart 1. **Content of section.** Each application shall contain a general information section that shall include the following information:

[For text of items A to C, see M.R.]

D. a brief description of the proposed facility, its complete address (if known) or general location, a brief description of its planned use, its estimated cost, its planned in service date, and its design capacity in gallons (~~oil or~~ LPG storage); or its maximum design throughput in barrels per day and its size in Mbpd-miles (petroleum pipeline); ~~or its design throughput in barrels per day (oil refinery);~~

[For text of items E and F, see M.R.]

[For text of subp 2, see M.R.]

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Proposed Rules

7853.0300 LARGE OIL OR LPG STORAGE FACILITY SECTION.

In addition to the data required by parts 7853.0230 to 7853.0260, each applicant for a large ~~oil or~~ LPG storage facility shall provide the information required by parts 7853.0310 to 7853.0450, and optionally, part 7853.0270.

In a joint application, separate responses are required from each person for information required under parts 7853.0310, 7853.0320, and 7853.0340.

7853.0310 HISTORICAL ENERGY DATA.

Each applicant for a large ~~oil or~~ LPG storage facility shall provide the following information:

[For text of items A to C, see M.R.]

7853.0320 FORECAST DATA.

Each applicant for a large ~~oil or~~ LPG storage facility shall provide answers to the questions below, unless previously submitted to the agency pursuant to chapter 7610, in which case a copy of such submission may be incorporated into the application to satisfy the requirements of this rule.

[For text of items A to D, see M.R.]

7853.0330 DESCRIPTION OF PROPOSED FACILITY.

Each application for a large ~~oil or~~ LPG storage facility ~~shall~~ must include the following information:

[For text of items A to E, see M.R.]

7853.0340 ALTERNATIVES.

Each applicant for a large ~~oil or~~ LPG storage facility shall respond to the following questions.

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

7853.0400 INFORMATION REQUIRED.

When a certificate of need application is submitted ~~for a large oil storage facility on an existing oil storage site, which site already has storage capacity of at least 1,000,000 gallons, or for a large LPG storage facility on an existing LPG storage site, which site already has storage capacity of at least 100,000 gallons,~~ a copy of an environmental assessment worksheet (EAW) may be submitted in lieu of specific answers to the requirements in parts 7853.0420 to 7853.0450. If permits for construction of the facility are required by other state agencies, a copy of each permit application, or the informational equivalent, shall also be submitted.

In all other cases, the applicant for a certificate of need for a large ~~oil or~~ LPG storage facility shall provide environmental information for the proposed facility and for each alternative facility discussed in response to part 7853.0340. ~~Such~~ The applicant shall provide the information ~~shall be provided~~ in the format given in parts 7853.0420 to 7853.0450 to the extent that ~~such the~~ the data is applicable and reasonably available.

7853.0440 POLLUTION CONTROL AND SAFEGUARDS EQUIPMENT.

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

Subp. 3. **Oil-spill Leak, fire, and explosion safeguards.** Describe measures that would be taken to prevent ~~oil spills~~ leaks, fires, and explosions or to minimize the environmental impact of a ~~spill leak~~, a fire, or an explosion.

[For text of subp 4, see M.R.]

7855.0200 APPLICATION PROCEDURES AND TIMING.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Hearing.** An administrative law judge shall be assigned, and a public hearing shall be scheduled to commence, no later than 80 days after the receipt of the application, in accordance with rules governing certificate of need ~~program, chapter 7847 filing, part 7829.2500,~~ and the Office of Administrative Hearings' rules for contested case procedures, ~~parts 1400.5100 to 1400.8500 chapter 1400.~~

[For text of subps 6 to 9, see M.R.]

RENUMBER. In each part of *Minnesota Rules* referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>7810.8200, subp 1</u>	<u>7810.8940</u>	<u>7810.8815</u>
<u>7810.8300</u>	<u>7810.8940</u>	<u>7810.8815</u>
<u>7810.8400, subp 5</u>	<u>7810.8940</u>	<u>7810.8815</u>
<u>7810.8650, subp 3</u>	<u>7810.8940</u>	<u>7810.8815</u>

REPEALER. *Minnesota Rules*, parts 7810.3400, subpart 2; 7810.8625, subpart 5; 7810.8630, subpart 6; 7810.8740; 7810.8745; 7810.8750; 7810.8755; 7810.8800; 7810.8900; 7810.8905; 7810.8910; 7810.8915; 7810.8920; 7810.8925; 7810.8930; 7810.8935; 7810.8940; 7827.0100; 7827.0200; 7827.0300; 7827.0400; 7827.0500; 7827.0600; 7829.2200; 7853.0010, subpart 13; 7853.0700; 7853.0710; 7853.0720; 7853.0730; 7853.0740; 7853.0750; 7853.0760; 7853.0770; 7853.0780; and 7853.0790, are repealed.

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604.

Department of Revenue

Revenue Notice # 01-11: Sales and Use Tax - Transitional Period for Delivery Charges

Minnesota Statutes, section 297A.61, subdivision 7, was amended to provide that effective for all sales made after December 31, 2001, the sales price when computing the sales tax includes all delivery or transportation charges. The legislation making this change did not include any transitional language to grandfather in existing construction contracts.

The Commissioner will allow a transitional period for sales of construction materials made to contractors who have entered into a bona fide written lump sum or fixed price construction contract that does not provide for allocation of future taxes. The construction contract must be executed prior to June 30, 2001. Delivery charges for construction materials purchased by contractors who have qualifying contracts are exempt from the sales tax if delivery of the construction materials are made on or before June 30, 2002.

A bid submitted prior to June 30, 2001, that requires the contractor to include a bond is a binding contract, if the contractor is required to perform the work at the bid price or forfeit the bond, and the bid is accepted. A bid made prior to June 30, 2001, that does not require a bond is considered a proposal and is not a binding contract for purposes of this notice.

A contract to provide construction materials to a contractor at a fixed price for a certain period of time does not qualify for the transitional rule unless there is an existing lump sum or fixed price construction contract that was entered into prior to June 30, 2001, and the contract did not provide for an allocation of future taxes.

In order to obtain the transitional period treatment, the contractor must provide the vendor with a signed document for each qualifying contract that sets forth:

- the contractor's name and address, and Minnesota ID number (if no number, state reason)
- the name and address of the party contracting for the improvement
- name and location of the project, and contract or project number
- date of the contract

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.

Revenue Notices

- a statement that the materials will be used by the contractor under a lump sum or fixed price construction contract that does not provide for the payment or allocation of future taxes.

The document will be considered an exemption certificate subject to the penalty provisions of *Minnesota Statutes*, section 289A.60.

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Department of Revenue

Revenue Notice # 01-12: Sales and Use Tax - Prepared Food

Introduction

Minnesota Statutes, section 297A.61, subdivision 3 defines “sale and purchase” to include the preparation of food for consideration. *Minnesota Statutes*, section 297A.67, subdivision 2, defines “food and food ingredients” to mean substances in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Subdivision 2 provides that food and food ingredients are exempt from the Minnesota sales tax.

Under *Minnesota Statutes*, section 297A.67, subdivision 2, the following items are not considered food or food ingredients and are thus taxable: candy, soft drinks, food sold through vending machines, prepared foods, alcoholic beverages, dietary supplements, and tobacco. These definitions are effective for sales and purchases made after December 31, 2001.

Following are explanations of the different terms to assist in applying the above statutory provisions. These terms must be read in conjunction with the statute to determine the final taxability of specific food items. Food that is exempt under one of the provisions of the prepared food definition may still be subject to tax if it is covered under another part of the definition.

Prepared Food

“Prepared food” means: (i) food that is sold in a heated state or food that is heated by the seller; (ii) food where two or more ingredients were mixed or combined by the seller for sale as a single item; or (iii) food sold with eating utensils that are provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. Food is not considered to be prepared food merely because it is sliced, repackaged, or pasteurized by the seller.

- (i) “Seller” means the legal entity that sells the product at retail. This means that if the same legal entity prepares and sells the food item, the food is taxable regardless of where the food was prepared. If the seller contracts with another legal entity to prepare the food, the sale is not taxable even if sold under the seller’s label.
- (ii) Food that is sold in a heated state or food that is heated by the seller is taxable if it is ready to be eaten at the time of the sale. Heating includes baking, boiling, smoking, and cooking. The heating may occur at premises other than the location at which the sale is made. Prepared food includes food that is served hot even if the food was not otherwise prepared by the seller and food that was heated by the seller at any time before the sale and is ready to eat at the time of sale. It also includes heated food regardless of form, condition, quantities, and packaging.

Examples of prepared food: rotisserie chicken, barbecued spareribs, fish, spaghetti, ready-to-eat pizza, chow mein, french fries, and soup. The sale of these foods is taxable, whether sold by restaurants, caterers, food stores, or vending machines, when sold hot or ready to eat. A sale of heated food in combination with unheated food is taxable in full if sold as a single item even if these items were not combined or mixed by the seller. For example, if an individual purchases a piece of heated chicken, two quarts of potato salad (not otherwise prepared by the seller), and a pint of cold beans, and these items are sold in combination for a single unit price, the entire combination is taxable food. If a seller bakes or heats a pie purchased from another entity, the sale of the pie, or part of it, is taxable even if not hot at the time of the sale. Heating of the food by the customer, however, does not make an otherwise exempt food item taxable.

Examples of exempt food: partially-baked pizza, frozen soup made by the seller, a casserole that needs to be heated by the consumer, and smoked meats that require heating such as smoked or honey glazed ham. These items do not qualify as prepared food since they are generally not ready to be eaten at the time of sale.

- (iii) Food, where two or more ingredients were mixed or combined by the seller for sale as a single item, is taxable if it is ready to be eaten at the time of the sale. Prepared food does not include food that contains raw eggs, fish, meat, or poultry products that require cooking after the sale to prevent food borne illnesses and food the customer generally cooks or heats after the sale.

Meat that is provided by the customer and processed by a meat processor is taxable if it is combined with other meats that are provided by the meat processor and then sold to the customer (e.g., ready-to-eat sausage, beef sticks).

Breads or other baked goods that are baked by the seller are taxable because two or more ingredients were mixed or combined by the seller. Baked goods that are sold by an outlet store are taxable if the outlet store is part of the same legal entity as the entity that prepared the baked goods.

Cheese dairies that make their own cheese and sell it to the public are subject to tax since making cheese involves a combination of two or more food ingredients.

Vegetables or fruits, where the seller cuts, combines, and repackages two or more kinds of vegetables (e.g., mixed greens for a salad) or fruits, are subject to tax.

Examples of prepared food: hand-prepared or dispensed ice cream cones, cotton candy and sundaes are taxable because the ice cream is combined with the cones by the seller and the sundae and cotton candy involve a combination of two or more ingredients. Cold salads that are prepared by the seller are subject to tax because two or more ingredients are combined.

Examples of food that is not taxable because it is not ready to eat include frozen or half-baked pizza, uncooked meatloaf mixture and marinated meat.

- (iv) Eating utensils. Food that is not otherwise prepared by the seller but is sold with eating utensils provided by the seller is prepared food and thus subject to tax. Eating utensils are considered to be provided by the seller if one of the following conditions is met:

- (a) Eating Establishments. Food that is sold by an eating establishment is subject to tax. These eating establishments may be mobile or immobile and may or may not provide seating accommodations for their customers. They include restaurants, caterers, pizzerias, bars, taverns, night clubs, yogurt or ice cream stores/stands, coffee or donut shops, diners, refreshment stands, drive-ins, fast food restaurants, bagel shops, lunch counters, cafeterias, private and social clubs, sandwich shops, snack bars, hot dog carts, concession stands at a fair or a mall, sidewalk vendors or like places of business where food is served and is meant to be eaten soon after it is served.

All food served at eating establishments is subject to tax unless the seller maintains adequate records for sale of food items that are generally not sold with eating utensils and do not otherwise qualify as prepared food such as gallons of milk, loaves of bread, whole pies, and packages of rolls or muffins. The information shown on invoices, cash register receipts, or sales tickets must provide an adequate description of the food items sold to show that the sale was not of food items that are generally served with eating utensils.

Grocery stores, department stores, and convenience stores that have a separately identifiable eating establishment, are required to collect the tax on food items sold at that establishment unless they maintain adequate records for sale of food items that are generally not sold with eating utensils.

Food sold by grocery stores, convenience stores, and department stores is generally not considered to be sold with eating utensils provided by the seller even though eating utensils may be available to customers, (e.g., napkins on the counter). The food may be taxable if it is traditionally served with eating utensils (see part (b) below). Grocery stores are businesses that are primarily engaged in the retail sale of a wide variety of food products. They generally contain the following departments: dairy, baked goods, canned and dry goods, frozen foods, meats, fresh fruits and vegetables and household supplies.

- (b) Food that is traditionally sold with eating utensils, including plates, knives, forks, spoons, glasses, cups, napkins, or straws is subject to tax. For example, salad bars or "make your own sandwich" bars at a grocery store are taxable since salads and sandwiches are eaten with eating utensils. "Make your own ice cream sundae" bars are taxable for the same reason. These items are taxable regardless of where they are sold. Cold cut platters, cheese platters, vegetable and fruit platters are taxable since they are sold with eating utensils.

Box lunches are taxable since they are traditionally sold with eating utensils.

If the eating utensil is provided by the manufacturer rather than by the seller, the food is not considered to be provided with eating utensils. For example, a box of crackers and cheese that includes a spreader, is not subject to tax since the spreader is not provided by the seller.

- (v) Sliced, repackaged, or pasteurized food is not subject to tax if the seller did not prepare it other than slice, repack, or pasteurize it. Thus, for example, a sliced apple is not subject to tax. However, if the seller adds caramel sauce to the apple, it becomes a taxable item. Cheese that is removed by the seller from the storage or display area, sliced as requested by the customer, weighed, wrapped, labeled, and handed to the customer to be taken to the checkout area, is not prepared food since repackaging in itself does not result in the item being subject to tax. Variety packages that include servings of different kinds of

Revenue Notices

meat or muffins are not taxable since the seller only repackages these foods. The sale of bags containing whole fruits (even those that include more than one type of fruit) are not taxable for the same reason.

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Official Notices

*Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking 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.*

Department of Agriculture

Rural Finance Authority

Notice of Meeting Schedule, Meeting via Conference Call

Future monthly meetings of the Rural Finance Authority Board are scheduled for 1:00 P.M. at 90 West Plato Blvd. on the following dates in 2002: January 2, February 6; March 6; April 3; May 1; June 5; July 3; August 7; September 4; October 2; November 6; December 4.

Some Members may participate in certain of these meetings by electronic means. In accordance with *Minnesota Statutes* Sec. 471.705 (1997), the Agency, to the extent practicable, will allow a person to monitor those certain meetings electronically from a remote location. If such monitoring shall occur, the Agency may require the person making such a connection to pay for documented marginal costs that the Agency incurs as a result of the additional connection. For additional information, contact Wayne Marzolf, MN Dept. of Agriculture, 90 W. Plato Blvd. St. Paul, MN 55107 or call (651) 296-1748.

Curtis Pietz
RFA Director

Minnesota State Rehabilitation Council

Applications Sought for Appointments

Applications for service on the Minnesota State Rehabilitation Council are invited. The State Rehabilitation Council advises the state on employment services for persons with disabilities and participates in assessment of the state's Vocational Rehabilitation Program. Members are appointed by the Governor and serve for a term of three years. The council meets approximately 10 times annually on the fourth Wednesday of the month. Appointments are made to ensure representation of persons with disabilities, Vocational Rehabilitation Program consumers, business, industry, labor, vocational rehabilitation counseling and others. Among current openings are those for consumers, representatives of business industry or labor; and vocational rehabilitation counseling. Interested persons may contact Gail Lundeen, State Rehabilitation Council, Rehabilitation Services, 390 North, Robert Street, St. Paul, Minnesota 55101, (651) 296-5629, or 1-800-328-9095, or **email:** gail.lundeen@state.mn.us. **TTY:** (800) 657-3973; (651) 296-3900.

Minnesota State Rehabilitation Council**Meeting Dates 2002**

The State Rehabilitation Council will meet on the following dates at the designated location. For more information on locations not listed please contact the Minnesota Department of Economic Security at: **phone:** (800) 328-9095; (651) 296-5616. **TTY:** 1-800-657-3973; (651) 296-3900.

January 23, 2002 - Four Points by Sheraton - St. Paul

February 27 2002 - MDES Annex, Room 204C

March 27, 2002 - MDES Annex, Room 204C

April 24, 2002 - MDES Annex, Room 204C

May 22, 2002 - MDES Annex, Room 204C

June 26, 2002 - Location TBA

August 28, 2002 - Location TBA

September 25, 2002 - Location TBA

October 23, 2002 - Location TBA

December 4, 2002 - Location TBA

Minnesota Higher Education Facilities Authority**Notice of Public Hearing on Revenue Obligations for the University of St. Thomas**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the "University"), as owner and operator of University of St. Thomas, at the Authority's offices at Suite 450 Galtier Plaza, 380 Jackson Street, St. Paul, Minnesota on January 16, 2002 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an aggregate principal amount of up to approximately \$26,000,000 to finance the acquisition, construction, furnishing and equipping of an approximately 159,000 square foot, four story building for use as a law school and related parking and other site improvements (the "Project"). The Project will be owned and operated by the University and located on part of the city block bounded by Eleventh Street, Twelfth Street, LaSalle Avenue and Harmon Place on its Minneapolis campus. The street address of the Minneapolis campus is 1000 LaSalle avenue, Minneapolis, Minnesota.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 31 December 2001

By Order of the
Minnesota Higher Education Facilities Authority
Marianne Remedios
Executive Director

Department of Human Services**Annual Synar Report Availability for Federal Year 2002**

The Department of Human Services, Chemical Health Division announces the availability of the Annual Synar Report for Federal Year 2002. The paper version of this report will be available on December 31, 2001. The report will be available electronically on the Chemical Health Division's **website** at: www.dhs.state.mn.us/contcare/chhome.htm on January 4, 2002.

Introduction:

This report is prepared by the Chemical Health Division of the Minnesota Department of Human Services. The purpose of this report is to document compliance with the provisions of Title 45, Part 96.130 of the *Code of Federal Regulations* and 42 U.S.C 300x-26. These federal regulations require states to have laws restricting access of minors to retail tobacco products, and to measure the compliance of retailers. States are required to reach the goal of 80% tobacco retailer compliance over the course of several years.

This report provides the results of compliance efforts conducted during Federal Fiscal Year 2001, in order to qualify the state to receive an FFY 2002 award of funds from the Substance Abuse Prevention and Treatment Block Grant. In 2001 Minnesota conducted a survey that meets federally designated standards, and found a retailer non-compliance rate of 18%. The federal requirement for this reporting period was that Minnesota have a non-compliance rate at or below 22%, so the State is in compliance with requirements for this reporting period.

Further information or copies of the report can be obtained from:

Wayne Raske
Chemical Health Division
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155-3823
Phone: (651) 582-1849
Email: wayne.raske@state.mn.us

Department of Human Services

Purchasing and Service Delivery Division - Health Care Administration

Public Notice of Change in Medical Assistance Rates for Dental Services and Special Transportation

NOTICE IS HEREBY GIVEN to recipients and enrollees, providers of services under the Medical Assistance (MA) Program, and to the public of new MA rates for dental services and for special transportation. This notice is published pursuant to 42 *Code of Federal Regulations* §447.205, which requires public notice of significant proposed changes in methods and standards for setting payment rates for fee-for-service MA services.

Dental Rates

A recent Department study entitled "Dental Access for Minnesota Health Care Programs Beneficiaries" recommended improved financial incentives for dental providers. Based on the recommendations of the study, the Minnesota Legislature enacted legislation to increase payment rates for dental providers.

- A. Effective for services provided on or after January 1, 2002, *Laws of Minnesota 2001*, First Special Session, chapter 9, article 2, section 54 (*Minnesota Statutes*, §256.76(b)(7)) requires that payment for diagnostic examinations and dental x-rays provided to individuals under age 21 is the lower of the submitted charge or 85% of median 1999 charges.

This will be an increase from the current rate methodology, which provides for payment that is the lower of:

- (1) the submitted charge; or
- (2) (a) the Department's established rate or
(b) 91.6% of the 50th percentile of the charges submitted by all dental service providers in the calendar year specified in legislation governing maximum payment rates. This was increased by 5% effective July 1, 1997, increased by 3% effective January 1, 1999, and increased again by 3% effective January 1, 2000.

The Department anticipates that the fiscal impact will be \$338,166 for the last six months in State Fiscal Year 2002 (January 1, 2002 through June 30, 2002) and \$841,833 for all of State Fiscal Year 2003 (July 1, 2002 through June 30, 2003).

- B. Effective for services provided on or after January 1, 2002, *Laws of Minnesota 2001*, First Special Session, chapter 9, article 2, section 54 (*Minnesota Statutes*, §256B.76(c)) permits the Department to pay "critical access dental providers" up to 50% above

the regular payment rate. The Department has decided that the initial rate increase for critical access dental providers will be 40% percent above the regular payment rate.

The Department has determined the process it will use to determine which dental providers will receive critical access dental provider designation.

The Department anticipates that the fiscal impact will be \$775,002 for the last six months in State Fiscal Year 2002 (January 1, 2002 through June 30, 2002) and \$1,550,000 for all of State Fiscal Year 2003 (July 1, 2002 through June 30, 2003).

Special Transportation Rates

Special transportation is defined at *Minnesota Rules*, part 9505.0315, subpart 1, item F as the transport of individuals who, because of physical or mental impairments, cannot use common carriers and do not require ambulance service. "Common carrier" is defined in item B as a bus, taxicab, or other commercial carrier or private automobile.

Current payment for special transportation is the lowest of the submitted charge or the MA maximum allowable charge, which is a base rate of \$15.00 and \$1.40 per mile. A legislative report surveyed the cost characteristics of providing special transportation to individuals who use wheelchairs and require wheelchair-accessible vans versus the cost characteristics of providing special transportation to individuals who do not require wheelchair-accessible vans. As would be expected, the cost of providing such special transportation to individuals who need wheelchair-accessible vans was higher than providing the service to other individuals. In addition, the report noted that insurance rates have increased for providing special transportation to individuals who use wheelchairs.

In order to provide some relief to providers furnishing special transportation to individuals who require wheelchair-accessible vans, the Department is proposing new special transportation rates. Effective for special transportation provided on or after January 1, 2002:

- For individuals not requiring wheelchair-accessible vans, the Department will reimburse providers the lowest of the submitted charge or the MA maximum allowable charge, which will be a base rate of \$12.00 and \$1.40 per mile.
- For individuals requiring wheelchair-accessible vans, the Department will reimburse providers the lowest of the submitted charge or the MA maximum allowable charge, which will be a base rate of \$18.00 and \$1.40 per mile.

The new rates will comply with *Minnesota Statutes*, §256B.0625, subdivision 17, which requires that the average of the two rates per trip must not exceed \$15.00 for the base rate and \$1.40 per mile.

Even though there will be a rate increase for transporting individuals requiring wheelchair-accessible vans, the overall rate change represents a savings. Most individuals receiving special transportation do not require a wheelchair-accessible van, and the rate for this group will decrease. The Department anticipates that the fiscal impact will be a savings of \$28,075.00 for the last six months in State Fiscal Year 2002 (January 1, 2002 through June 30, 2002) and a savings of \$51,473.00 for all of State Fiscal Year 2003 (July 1, 2002 through June 30, 2003).

Pursuant to 42 *Code of Federal Regulations* §447.205(c)(5), the Department must provide an address where written comments may be sent and reviewed by the public. Written comments and requests for information should be directed to:

Wendy Fox [regarding change in dental rates]
Purchasing and Service Delivery, Health Care Administration
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3853
Phone: (651) 282-5261
Email: *Wendy.Fox@state.mn.us*

Tom Fields [regarding critical access dental providers]
Purchasing and Service Delivery, Health Care Administration
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3854
Phone: (651) 297-7303
Email: *Tom.Fields@state.mn.us*

Official Notices

Barbara Hollerung [regarding the change in special transportation rates]
Purchasing and Service Delivery, Health Care Administration
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3853
Phone: (651) 297-7222
Email: *Barb.Hollerung@state.mn.us*

State Contracts

Informal Solicitations

Effective December 1, 2001, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration's, Materials Management Division's web page (www.mmd.admin.state.mn.us).

Formal Requests for Proposals

Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

Department of Public Safety

Bureau of Criminal Apprehension - CriMNet

Notice of Availability of Request for Proposal (RFP) for CriMNet Integration Infrastructure Project

NOTICE IS HEREBY GIVEN that the Department of Public Safety, Bureau of Criminal Apprehension, CriMNet is requesting proposals for the design, development and implementation of the CriMNet Integration Infrastructure. The preliminary phases of the CriMNet Integration Infrastructure Project have been completed, including the requirements definition and logical design. This contract will cover the next two phases, which are:

- Phase 1: Design, including data definition
- Phase 2: Development and Implementation

The Integration Backbone is the core component of CriMNet for statewide criminal justice integration. It serves as the central unifying platform of the shared criminal justice information. It is a framework for uniquely identifying individuals, incidents, and cases, and for accurately linking and referencing these three integration elements across jurisdictions. The Integration structure also consists of local integration hubs based on the "Core Hub", and the metadata needed to commonly define the distributed shared information. Phase I of this contract includes physical design of the Integration Backbone and Core Hub based on the suite of products selected by the Contractor and specified in the proposal, data and metadata definitions and tagging schemas for platform-wide data sharing, design specifications for the Core Hub adaptors, plan for the transition to development and implementation, a proof of concept, and ROI analysis. Phase II of this contract consists of the development and implementation of the Integration Backbone and Core Hub as described by the physical design produced in Phase I.

The complete RFP with attachments is available online at <http://www.crimnet.state.mn.us/rfp>

A single hard copy of the complete Request for Proposal (without attachments) can be obtained from:

Mahogany Eller
CriMNet Communications Director
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, MN 55104
Phone: (651) 642-0810
Fax: (651) 643-2124
Email: *Mahogany.Eller@state.mn.us*

Proposals submitted in response to the Request for Proposal in this advertisement must be received at the address above **no later than 2:30 p.m. Central Standard Time on February 8, 2002. Late proposals will not be evaluated.** Fax or emailed proposals will not be considered. This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Transportation

Program Support

Requests for Proposal (RFP) for Traffic Training

Notice of availability of Contract for Highway Related Technical Activity. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

The Minnesota Department of Transportation is requesting proposals to conduct the following traffic training courses: Signals "101", Traffic Signal Design, Traffic Signal Optimization and Timing, Roadway Lighting Design and Signing. Responder must provide all of the listed courses. These services will be needed for 4 years, multiple courses will be given on a seasonal or every other year basis as determined by the Minnesota Department of Transportation.

Request for Proposals (RFP) are available by mail, email or in person. **Please submit in writing, a request for the RFP for Traffic Training.** Requests for the RFP may be mailed or faxed to:

Melissa M. McGinnis, Agreement Administrator
Minnesota Department of Transportation, Office of Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, Minnesota 55155
Fax: (651) 282-5127

In order to obtain the RFP in time, requests must be received **on or before Tuesday, January 22, 2002**, requests made after that date must be in person.

Note: PROPOSALS WILL BE DUE ON TUESDAY, JANUARY 22, 2002 AT 2:00 P.M. CENTRAL STANDARD TIME.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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.

Metropolitan Council

Notice of Request for Proposals for Detailed Engineering Design Services – RFP No. 01P128

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals from professional engineering firms to provide detailed engineering design services and to assist the Council in gaining a full understanding of all stakeholders concerns for the Portland & Washington (P&W) Regulator Improvements, which has the largest number of overflows of all the Council's regulators.

The Council owns, operates and provides wastewater treatment services to the seven-county Twin Cities Metro Region. The P&W intersection currently has an odor problem the City of Minneapolis wants mitigated prior to development of a planned condominium project across the street.

The Council is seeking proposals from licensed consultants to identify design aspects for the proposed improvements, including improving the hydraulic capacity of the sanitary sewer, controlling the overflow site as needed and determining how storage weirs and other devices to be installed at specified locations will be stabilized. Work will be done in phases: Initial Design, Preliminary Design and Final Design.

The tentative schedule for this process is:

<i>RFP Issue Date</i>	1st week in January 2002
<i>Contract Award</i>	February 2002
<i>Notice to Proceed</i>	March 2002
<i>Design Completion</i>	December 2002
<i>Construction Contract Award</i>	February 2003
<i>Construction Completion</i>	June 2004

All firms interested in this project should request a copy of the RFP through:

Amanda Petersen, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre
230 E. Fifth Street
St. Paul MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Metropolitan Council - Metro Transit

Request for Proposals for 25 Articulated Transit Buses

The Metropolitan Council is soliciting proposals for the provision of 25 sixty-foot, articulated, standard-floor transit buses. A pre-proposal meeting will be held at the Metro Transit Overhaul Base at 10:00 a.m. on Monday, January 7, 2002. Proposals are due at 4:00 p.m. on Friday, February 1, 2002.

Proposals must be submitted in accordance with the Solicitation Package available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

Metropolitan Council – Metro Transit

Refurbish Freight Elevator

The Metropolitan Council is soliciting sealed bids for Refurbish Freight Elevator at the Metro Transit Overhaul Base, 515 N. Cleveland Avenue, St. Paul, MN 55114. A sit visit will be held at the Metro Transit Overhaul Base **at 10:00 a.m., on January 10, 2002. Bids are due at 2:00 p.m., on January 25, 2002.**

Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

Solid Waste Management Coordinating Board

Notice of Request for Bids for Residential Backyard Composting Bins

The Solid Waste Management Coordinating Board (SWMCB) is seeking bids from qualified vendors for up to 18,500 residential backyard composting bins. Delivery dates will be between April 12, 2002 and July 31, 2002 at up to 14 locations in the Minnesota Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Washington.

The request for Bids is available by calling or writing Linda Gondringer, Solid Waste Management Coordinating Board, Richardson, Richter & Associates, Inc., 477 Selby Avenue, St. Paul, Minnesota 55102. **Phone:** (651) 222-7227. **Email:** lgondringer@richardsonrichter.com

Bids must be received **no later than 12:00 p.m., noon Central Time, Monday, January 14, 2002. No late bids will be accepted.**

Completed specifications and details concerning submission requirements are included in the Request for Bids.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

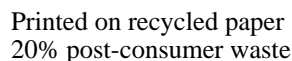
Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.



Periodicals
U.S. Postage
Paid
Permit No.
326630
St. Paul, MN

117 University Avenue • St. Paul, Minnesota 55155
 Metro Area 651-297-3000
 Toll Free 1-800-657-3757
 FAX 651-297-8260
 TTY: Metro Area 651-282-5077 TTY: Greater MN 1-800-657-3706

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.



TO ORDER:

Complete attached order blank. Please include sales tax. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

NOTE:

State Register and other subscriptions do not require sales tax or postage and handling fees.

Shipping Charges

Subtotal	Add:
Up to \$25.00	\$3.00
\$25.01 - \$50.00	\$5.00
\$50.01 - \$100.00	\$7.00
\$100.01 - \$1,000.00	\$10.00



Prices subject to change without notice.

Please allow about 6 weeks for delivery.

In a hurry? Stop by our Bookstore.

Bookstore hours: 8:00-5:00 Monday-Friday

For Your Convenience, photocopy this order blank

Code No.	Quantity	Description		Item Price	Total
Name or Company				Subtotal	
Attention			6½ % tax MN residents 7% St. Paul residents		
Address					
City		State	Zip	Add Shipping Charges from chart at left.	
American Express/VISA/MasterCard/Discover No.				TOTAL	
Signature		Expiration Date		Telephone (During Day)	

If tax exempt, please provide ES number or send completed exemption form.

Source Code SR001