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# STATE REGISTER

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**Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
<b>SCHEDULE FOR VOLUME 6</b>			
40	Monday March 22	Monday March 29	Monday April 5
41	Monday March 29	Monday April 5	Monday April 12
42	Monday April 5	Monday April 12	Monday April 19
43	Monday April 12	Monday April 19	Monday April 26

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

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR **AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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2065 (7); 2092 (1)-1; 2092 (1)-5; 2092 (7)-3; 2092 (11); 2093.1-1;  
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# PROPOSED RULES

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Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
  2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
  3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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

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## State Board of Education Department of Education Instruction Division

### Notice of Withdrawal of Proposed Rule Governing Minimum Clock Hour Requirements for Junior High Science

The rule proposed and published at *State Register*, Volume 6, Number 10, September 7, 1981, pp. 344-346 (6 S.R. 344) is withdrawn.

Questions regarding this matter should be directed to:

Richard Clark, Specialist, Science Education  
State Department of Education  
Instruction Division  
642 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-4071

John J. Fedra, Secretary  
State Board of Education

## Minnesota Housing Finance Agency

### Proposed Temporary Rules Governing Income Limits for the Medium Density Housing Program

#### Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Medium Density Housing Program, pursuant to Laws 1981, chapter 306, § 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator,

**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

Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

James J. Solem, Executive Director

## Temporary Rule as Proposed (all new material)

### Chapter Eleven B: Medium Density Housing Demonstration Program

**12 MCAR § 3.139 [Temporary] Definition.** For the purpose of medium density housing demonstration program loans, "persons and families of low and moderate income" means those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR § 3.139-1 [Temporary] or such lower amount as shall be required to assure that the interest on obligations of the Minnesota Housing Finance Agency will be exempt from federal income taxation. In Exhibit 12 MCAR § 3.139-1 [Temporary], "metropolitan area" has the meaning given it in Minn. Stat. § 473.121, subd. 2.

#### Exhibit 12 MCAR § 3.139-1 [Temporary]

#### Maximum Adjusted Income for Medium Density Housing Demonstration Program Loans

Mortgage Interest Rate	Nonmetropolitan Area	Metropolitan Area
	Maximum Adjusted Income	Maximum Adjusted Income
0-10.59%	\$24,000	\$29,000
10.60-11.09%	\$25,000	\$30,000
11.10-11.59%	\$26,000	\$31,000
11.60-12.09%	\$27,000	\$32,000
12.10-12.59%	\$28,000	\$33,000
12.60% and over	\$29,000	\$34,000

## Minnesota Housing Finance Agency

### Proposed Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund

#### Request for Public Comment.

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Limited Unit Developments and to establish eligibility for the Home Ownership Assistance Fund, pursuant to Laws 1981, Chapter 306, § 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200—Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

James J. Solem, Executive Director

#### Temporary Rules as Proposed

##### 12 MCAR § 3.002 [Temporary] Definitions.

A.-N. [Unchanged.]

O. "Persons and families of low and moderate income" means:

1. With respect to limited-unit mortgage loans pursuant to Chapter Four of these rules, development cost loans pursuant to Chapter Three of these rules, planning grants pursuant to Chapter Five of these rules, and American Indian housing loans pursuant to Chapter Eight of these rules, which loans and grants are intended for a limited-unit development, or a dwelling unit in a planned unit development or a condominium, those persons and families whose adjusted income does not exceed the amounts set forth in Exhibit 12 MCAR § 3.002 O.-1- [Temporary] and Exhibit 12 MCAR § 3.002 O.-2 [Temporary] or such lower amount as shall be required to assure that the interest on obligations of the agency will be exempt from federal income taxation. "Metropolitan area" has the meaning given it in Minn. Stat. § 473.121, subd. 2;

Exhibit 12 MCAR § 3.002 O-1- [Temporary]

<u>Mortgage Interest Rate</u>	<u>Nonmetropolitan Area</u>	<u>Metropolitan Area</u>
	<u>Maximum Adjusted Income</u>	<u>Maximum Adjusted Income</u>
0-10.59%	\$19,000	\$24,000
10.60-11.09%	\$20,000	\$25,000
11.10-11.59%	\$21,000	\$26,000
11.60-12.00%	\$22,000	\$27,000

Maximum Adjusted Income for Loans for New Construction

<u>Mortgage Interest Rate</u>	<u>Nonmetropolitan Area</u>	<u>Metropolitan Area</u>
	<u>Maximum Adjusted Income</u>	<u>Maximum Adjusted Income</u>
0-10.59%	\$24,000	\$29,000
10.60-11.09%	\$25,000	\$30,000
11.10-11.59%	\$26,000	\$31,000
11.60-12.09%	\$27,000	\$32,000
12.10-12.59%	\$28,000	\$33,000
12.60% and over	\$29,000	\$34,000

Exhibit 12 MCAR § 3.002 O.-2 [Temporary]

Maximum Adjusted Income for Loans for Existing Construction

<u>Mortgage Interest Rate</u>	<u>Nonmetropolitan Area</u>	<u>Metropolitan Area</u>
	<u>Maximum Adjusted Income</u>	<u>Maximum Adjusted Income</u>
0-10.59%	\$20,000	\$24,000
10.60-11.09%	\$21,000	\$25,000
11.10-11.59%	\$22,000	\$26,000
11.60-12.09%	\$23,000	\$27,000
12.10-12.59%	\$24,000	\$28,000
12.60% and over	\$25,000	\$29,000

2.-5. [Unchanged.]

P.-V. [Unchanged.]

**12 MCAR § 3.133 [Temporary] Homeownership assistance fund.**

A. Monthly assistance. The agency may provide eligible recipients with interest-free monthly assistance loans in the form of monthly payments of a portion of the principal and interest installment due on the limited-unit development mortgage on qualifying property. Such payments shall not exceed \$100 per month and shall decrease by \$10 per month or \$120 per year each year. The maximum amount of monthly assistance to which a recipient is originally entitled shall be determined by the agency from time to time on the basis of the percentage of income which may reasonably be spent on mortgage payments, the interest

**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

rate charged for limited-unit development mortgage loans, and general housing and construction costs in the State of Minnesota, provided however, that the initial maximum monthly assistance which the agency shall determine to be available shall not exceed the following amounts for persons and families within the following annual adjusted income ranges as set forth in Exhibit 12 MCAR § 3.133 B.-1- [Temporary] and Exhibit 12 MCAR § 3.133 C.-2- [Temporary] for various potential interest rates to be charged by the agency on its limited-unit development mortgage loans.

B. Metropolitan area. Exhibit 12 MCAR § 3.133 B.-1- [Temporary] applies to eligible recipients whose qualifying property is in the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2.

## Exhibit 12 MCAR § 3.133 B.-1. [Temporary]

### Initial Maximum Monthly Assistance

#### Mortgage Interest Rate

		\$100	\$80	\$60	\$40	\$20
0-	Adj. Hshld.	0-	15001-	16001-	17001-	18001-
10.59%	Income	15000	16000	17000	18000	19000
10.60-	Adj. Hshld.	0-	16001-	17001-	18001-	19001-
11.09%	Income	16000	17000	18000	19000	20000
11.10-	Adj. Hshld.	0-	17001-	18001-	19001-	20001-
11.59%	Income	17000	18000	19000	20000	21000
11.60-	Adj. Hshld.	0-	18001-	19001-	20001-	21001-
12.00%	Income	18000	19000	20000	21000	22000

### Metropolitan Area Initial Maximum Monthly Assistance

#### Mortgage Interest Rate

		\$100	\$80	\$60	\$40	\$20
0-	Adj. Hshld.	0-	17001-	18001-	19001-	20001-
10.59%	Income	17000	18000	19000	20000	21000
10.60-	Adj. Hshld.	0-	18001-	19001-	20001-	21001-
11.09%	Income	18000	19000	20000	21000	22000
11.10-	Adj. Hshld.	0-	19001-	20001-	21001-	22001-
11.59%	Income	19000	20000	21000	22000	23000
11.60-	Adj. Hshld.	0-	20001-	21001-	22001-	23001-
12.09%	Income	20000	21000	22000	23000	24000
12.10-	Adj. Hshld.	0-	21001-	22001-	23001-	24001-
12.59%	Income	21000	22000	23000	24000	25000
12.60%	Adj. Hshld.	0-	22001-	23001-	24001-	25001-
and over	Income	22000	23000	24000	25000	26000

C. Nonmetropolitan area. Exhibit 12 MCAR § 3.133 C.-2- [Temporary] applies to eligible recipients whose qualifying property is not in the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2.

Exhibit 12 MCAR § 3.133 C.-2- [Temporary]

**Initial Maximum  
Monthly Assistance**

**Mortgage  
Interest  
Rate**

		\$100	\$80	\$60	\$40	\$20
0-	Adj. Hshld.	0-	10001-	11001-	12001-	13001-
10.59%	Income	10000	11000	12000	13000	14000
10.60-	Adj. Hshld.	0-	11001-	12001-	13001-	14001-
11.09%	Income	11000	12000	13000	14000	15000
11.10-	Adj. Hshld.	0-	12001-	13001-	14001-	15001-
11.59%	Income	12000	13000	14000	15000	16000
11.60-	Adj. Hshld.	0-	13001-	14001-	15001-	16001-
12.00%	Income	13000	14000	15000	16000	17000

Nonmetropolitan Area Initial Maximum Monthly Assistance

**Mortgage  
Interest  
Rate**

		\$100	\$80	\$60	\$40	\$20
0-	Adj. Hshld.	0-	13001-	14001-	15001-	16001-
10.59%	Income	13000	14000	15000	16000	17000
10.60-	Adj. Hshld.	0-	14001-	15001-	16001-	17001-
11.09%	Income	14000	15000	16000	17000	18000
11.10-	Adj. Hshld.	0-	15001-	16001-	17001-	18001-
11.59%	Income	15000	16000	17000	18000	19000
11.60-	Adj. Hshld.	0-	16001-	17001-	18001-	19001-
12.09%	Income	16000	17000	18000	19000	20000
12.10-	Adj. Hshld.	0-	17001-	18001-	19001-	20001-
12.59%	Income	17000	18000	19000	20000	21000
12.60%	Adj. Hshld.	0-	18001-	19001-	20001-	21001-
and over	Income	18000	19000	20000	21000	22000

**Minnesota Public Utilities Commission**

**Proposed Rules Governing Cogeneration and Small Power Production**

**Notice of and Order for Hearing**

Notice is hereby given that public hearings in the above entitled matter will be held by the Minnesota Public Utilities Commission (the commission) pursuant to Minn. Stat. § 15.0412, subd. 4, at the following times and locations:

**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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Friday, April 30, 1982, 9:00 a.m., Auditorium, Room 83, State Office Building, 435 Park St., St. Paul, MN 55155

Monday, May 3, 1982, 10:00 a.m., Council Chambers, City Hall, 20 Fourth Avenue South, St. Cloud, MN 56301

Monday, May 3, 1982, 6:00 p.m., County Commissioners Board Room, Annex, Fifth Avenue West and First Street, Duluth, MN 55802

Tuesday, May 4, 1982, 9:30 a.m., Conference Room, City Hall, Grand Rapids, MN 55744

Tuesday, May 4, 1982, 6:00 p.m., Conference Room, Koochiching County Courthouse, International Falls, MN 56649

Wednesday, May 5, 1982, 1:00 p.m., Room to be Assigned, Polk County Courthouse, 617 North Broadway, Crookston, MN 56716

Thursday, May 6, 1982, 9:00 a.m., Basement Meeting Room, Government Services Building, 505 South Court Street, Fergus Falls, MN 56537

Friday, May 7, 1982, 9:00 a.m., Community Room, Pipestone County Courthouse Annex, 119 S.W. Second Ave., Pipestone, MN 56164

Monday, May 10, 1982, 10:00 a.m., Board Room, Olmsted County Courthouse, 515 Second St. S.W., Rochester, MN 55901

Tuesday, May 11, 1982, 10:00 a.m., Auditorium, Minnesota Valley Regional Library, 100 East Main St., Mankato, MN 56001.

The hearings will commence at the designated times and continue until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules by submitting either oral or written data, statements or arguments.

This rulemaking proceeding is being held pursuant to Minn. Stat. § 216A.05, subd. 1 and Minn. Stat. § 216B.164, subd. 6 and arises from the need to promulgate rules to implement Minn. Stat. § 216B.164, certain provisions of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. § 2601 *et seq.*) and the Federal Energy Regulatory Commission regulations thereunder (18 CFR § 292.101 *et seq.*).

The purpose of the proceeding is to determine the need for and reasonableness of the proposed rules as well as allowing the commission the opportunity to obtain additional public input on the form and content of the proposed rules.

The hearings will be held before Hearing Examiner Bruce Campbell, Office of Administrative Hearings, 400 Summit Bank Building, 310 South 4th Ave., Minneapolis, Minnesota 55415, telephone (612) 341-7602, a hearing examiner appointed by the chief hearing examiner of the State of Minnesota. All parties have the right to be represented by legal counsel, by themselves, or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law. The hearings will be conducted in accordance with the applicable laws relating to the commission, the Administrative Procedures Act (Minn. Stat. §§ 15.0411 through 15.0417 and 15.052), the Rules of the Office of Administrative Hearings (9 MCAR §§ 2.101 through 2.113), and the Rules of Practice of the Commission (PSC 500 through 521), to the extent that they have not been superseded by the Rules of the Office of Administrative Hearings.

The above-cited procedural rules are available for inspection at the Office of Administrative Hearings and the Public Utilities Commission or may be purchased from the State Register and Public Documents Division of the Department of Administration, 117 University Ave., St. Paul, Minnesota 55155, telephone (612) 297-3000.

The cited procedural rules provide generally for the procedural rights and obligations including the right to present evidence and cross examine witnesses, the right to purchase a record or transcript, and the obligation to meet certain time limits.

The hearings will address issues pertaining to terms, conditions, rates for purchases, rates for sale, and interconnection specifications and procedures for cogeneration and small power production facilities. A cogeneration facility uses heat of combustion to produce both electricity and useful heat or mechanical energy. A small power plant production facility generates electrical energy from renewable resources (hydro, wind, solar, biomass, etc.) A topical outline of the rules is as follows:

- 4 MCAR § 3.0450 Scope and Purpose
- 4 MCAR § 3.0451 Definitions
- 4 MCAR § 3.0452 Filing Requirements
- 4 MCAR § 3.0453 Reporting Requirements
- 4 MCAR § 3.0454 Conditions of Service
- 4 MCAR § 3.0455 Rates for Sales
- 4 MCAR § 3.0456 Standard Rates for Purchases
  - A. Net Energy Billing

- B. Simultaneous Purchase and Sale
- C. Time of Day Purchase Rates
- 4 MCAR § 3.0457 Negotiated Rates for Purchases
- 4 MCAR § 3.0458 Utility Treatment of Costs
- 4 MCAR § 3.0459 Wheeling and Exchange Agreements
- 4 MCAR § 3.0460 Disputes
- 4 MCAR § 3.0461 Notification to Customers
- 4 MCAR § 3.0462 Interconnection Guidelines
- 4 MCAR § 3.0463 Existing Contracts

Any interested person will be provided with one copy of the proposed rules without charge upon request to Christopher K. Sandberg, telephone number (612) 296-2357. Additional copies will be available at the hearings.

In the interest of efficiency, the commission requests that any person having comments on or objections to any part of the proposed rules submit their comments or objections to the commission (attention Randall D. Young, Executive Secretary, Docket No. E-999/R-80-560) and to Hearing Examiner Campbell as soon as possible and preferably prior to April 30, 1982. Any such comments or objections should:

state concisely and with particularity each portion of the proposed rules that the author supports or objects to;

state the basis for the author's support or objection; and

state any proposed modifications to the proposed rules, the author's reasons for those modifications, and the basis for those modifications.

Failure to submit such comments or objections prior to the hearings will not prohibit any person from submitting written or oral statements on the record at the hearings.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the commission offices and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the commission anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

All persons are advised that no factual information or evidence which is not part of the hearing record shall be considered by the hearing examiner or by the commission in the determination of the above-cited matter. Persons attending the hearings should bring all factual information and evidence bearing on the case which they wish to have included in the record.

At the hearings, the commission will, through its staff's written and oral testimony, explain the proposed rules and the commission's reasons for proposing them. Copies of any written testimony and the statement of need and reasonableness will be available at the hearings.

Upon completion of the commission's presentation, interested persons will be given an opportunity to address questions to the commission's staff and to submit written and oral statements. It is the commission's intent and desire that after its staff has completed its presentation, comments and statements be received from interested persons before proceeding to questioning. An opportunity to question the commission's staff will be afforded all persons upon completion of the exchange of information and comments.

Interested persons who wish to make statements may do so by responding to the commission's presentation or by offering new information. In addition, interested persons may request the commission's staff to provide further explanations of any portion of the proposed rules if the persons are unclear about the commission's reasons. All persons making oral statements are subject to questioning by the commission's staff.

The commission will respond, in so far as possible, at the hearings to objections and questions presented at the hearings by interested persons. Interested persons may respond with oral or written statements to any new information presented by the commission. The commission may respond to objections or comments in writing after the close of the hearings.

Written material may be submitted and recorded in the hearing record for five working days after the conclusion of the public hearings. Such a comment period may be extended for a period not to exceed 20 calendar days if so ordered by the hearing examiner.

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# PROPOSED RULES

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Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the commission may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the commission. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the Hearing Examiner's Report), or the commission (in the case of the commission's submission or resubmission to the Attorney General).

All persons are advised that the proposed rules may be modified as a result of the hearing process.

Questions concerning the content or form of the above-entitled rules should be directed to Stuart Mitchell or Christopher Sandberg, 780 American Center Bldg., 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone (612) 296-8662 or (612) 296-2357. Any questions concerning the conduct of the hearings should be directed to the assigned hearing examiner.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

March 11, 1982

Randall D. Young  
Executive Secretary

## Rules as Proposed (all new material)

**4 MCAR § 3.0450 Scope and purpose.** The purpose of 4 MCAR §§ 3.0450-3.0463 is to implement certain provisions of Minn. Stat. § 216B.164; the Public Utility Regulatory Policies Act of 1978, 16 United States Code, Section 824a-3 (Supplement III, 1979); and the Federal Energy Regulatory Commission regulations, 18 Code of Federal Regulations, Sections 292.101-292.602 (1981). Nothing in 4 MCAR §§ 3.0450-3.0463 excuses any utility from carrying out its responsibilities under these provisions of state and federal law. Rules 4 MCAR §§ 3.0450-3.0463 shall at all times be applied in accordance with their intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

### 4 MCAR § 3.0451 Definitions.

A. Applicability. For purposes of 4 MCAR §§ 3.0450-3.0463, the following terms have the meanings given them.

B. Average annual fuel savings. "Average annual fuel savings" means the annualized difference between the system fuel costs that the utility would have incurred without the additional generation facility and the system fuel costs the utility is expected to incur with the additional generation facility.

C. Backup power. "Backup power" means electric energy or capacity supplied by the utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the facility.

D. Capacity. "Capacity" means the capability to produce, transmit, or deliver electric energy.

E. Capacity costs. "Capacity costs" means the costs associated with providing the capability to deliver energy. They consist of the capital costs of facilities used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

F. Commission. "Commission" means the Minnesota Public Utilities Commission.

G. Energy. "Energy" means electric energy, measured in kilowatt-hours.

H. Energy costs. "Energy costs" means the variable costs associated with the production of electric energy. They consist of fuel costs and variable operating and maintenance expenses.

I. Interconnection costs. "Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the utility that are directly related to

installing and maintaining the physical facilities necessary to permit interconnected operations with a qualifying facility. Costs are considered interconnection costs only to the extent that they exceed the corresponding costs which the utility would have incurred if it had not engaged in interconnected operations, but instead generated from its own facilities or purchased from other sources an equivalent amount of electric energy or capacity. Costs are considered interconnection costs only to the extent that they exceed the costs the utility would incur in selling electricity to the qualifying facility as a nongenerating customer.

J. Interruptible power. "Interruptible power" means electric energy or capacity supplied by the utility to a qualifying facility subject to interruption under certain specified conditions.

K. Maintenance power. "Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of the qualifying facility.

L. Marginal capital carrying charge rate. "Marginal capital carrying charge rate" means the percentage factor by which the amount of a new capital investment in a generating unit would have to be multiplied to obtain an amount equal to the total additional annual amounts for the cost of equity and debt capital, income taxes, property and other taxes, tax credits, depreciation, and insurance which would be associated with the new capital investment.

M. On-peak hours. "On-peak hours" means, for utilities whose rates are regulated by the commission, those hours which are defined as on-peak for retail ratemaking. For any other utility, on-peak hours are either those hours formally designated by the utility as on-peak for ratemaking purposes or those hours for which its typical loads are at least 85 percent of its average maximum monthly loads.

N. Purchase. "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by a utility.

O. Qualifying facility. "Qualifying facility" means a cogeneration or small power production facility which satisfies the conditions established in 18 Code of Federal Regulations, Section 292.101 (b) (1) (1981), as applied when interpreted in accordance with the amendments to 18 Code of Federal Regulations, Sections, 292.201-292.207 adopted through 46 Federal Register 33025-33027 (1981). The initial operation date or initial installation date of a cogeneration or small power production facility shall not prevent the facility from being considered a qualifying facility for the purposes of 4 MCAR §§ 3.0450-3.0463 if it otherwise would satisfy all stated conditions.

P. Sale. "Sale" means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

Q. Supplementary power. "Supplementary power" means electric energy or capacity supplied by the utility which is regularly used by a qualifying facility in addition to that which the facility generates itself.

R. System emergency. "System emergency" means a condition on a utility's system which is imminently likely to result in significant disruption of service to customers or to endanger life or property.

S. System incremental energy costs. "System incremental energy costs" means amounts representing the hourly energy costs associated with the utility generating the next kilowatt-hour of load during each hour.

T. Utility. "Utility" means any public utility engaged in the generation, transmission, or distribution of electricity in Minnesota. The term includes cooperative electric associations and municipally-owned electric utilities.

#### 4 MCAR § 3.0452 Filing requirements.

A. Filing dates. Within 60 days after the effective date of 4 MCAR §§ 3.0450-3.0463, on January 1, 1983, and every 12 months thereafter, each utility shall file with the commission, for its review and approval, a cogeneration and small power production tariff which shall contain Schedules A through F or, if applicable, schedules A through D plus Schedules F and G.

B. Schedule A. Schedule A shall contain the estimated system average incremental energy costs by seasonal peak and off-peak periods for each of the next five years. For each seasonal period, system incremental energy costs shall be averaged during system daily peak hours, system daily off-peak hours, and all hours in the season. Schedule A shall describe in detail the method used to determine the on-peak and off-peak hours and seasonal periods and shall show the resulting on-peak and off-peak and seasonal hours selected.

C. Schedule B. Schedule B shall contain the information listed in 1.-5.

1. Schedule B shall contain a description of all planned utility generating facility additions anticipated during the next ten years, including:

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## PROPOSED RULES

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- a. Name of unit;
  - b. Nameplate rating;
  - c. Fuel type;
  - d. In-service date;
  - e. Completed cost in dollars per kilowatt in the year in which the plant is expected to be put in service, including allowance for funds used during construction;
  - f. Anticipated average annual fixed operating and maintenance costs in dollars per kilowatt;
  - g. Energy costs associated with the unit, including fuel costs and variable operating and maintenance costs;
  - h. Projected average number of kilowatt-hours per year the plant will generate during its useful life; and
  - i. Average annual fuel savings resulting from the addition of this generating facility, stated in dollars per kilowatt.
2. Schedule B shall contain a description of all planned firm capacity purchases, other than from qualifying facilities, during the next ten years, including:
- a. Year of the purchase;
  - b. Name of the seller;
  - c. Number of kilowatts of capacity to be purchased;
  - d. Capacity cost in dollars per kilowatt; and
  - e. Associated energy cost in cents per kilowatt-hour.
3. Schedule B shall contain the utility's overall average percentage of line losses due to the distribution, transmission, and transformation of electric energy.
4. Schedule B shall contain the utility's net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over the on-peak hours and the utility's net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over all hours. These figures shall be calculated as follows:
- a. The completed cost per kilowatt of the utility's next major generating facility addition, as reported in Schedule B, shall be multiplied by the utility's marginal capital carrying charge rate. If the utility is unable to determine this carrying charge rate as specified, the rate of 15 percent shall be used.
  - b. The dollar amount resulting from the calculation set forth in a. shall be discounted to present value, as of the midpoint of the reporting year, from the in-service date of the generating unit. The discount rate used shall be the most recent overall rate of return authorized by the commission for the reporting utility. If the reporting utility is not rate regulated by the commission or is regulated but has not yet had an overall rate of return established by the commission, the utility shall use the overall rate of return most recently authorized for the largest electric utility, measured by annual Minnesota revenues, in the commission's jurisdiction.
  - c. The figure for average annual fuel savings per kilowatt described in 1.i. shall be discounted to present value using the procedure of b.
  - d. The number resulting from the calculation in c. shall be subtracted from the number resulting from the calculation in b. This is the net annual avoided capacity cost stated in dollars per kilowatt at present value.
  - e. The net annual avoided capacity cost calculated in d. shall be multiplied by 1.15 to recognize a reserve margin.
  - f. The figure determined from the calculation of e. shall be increased by the amount of the anticipated average annual fixed operating and maintenance costs as reported in 1.f.
  - g. The figure determined from the calculation of f. shall be increased by the percentage amount of the average system line losses as shown on Schedule B.
  - h. The annual dollar per kilowatt figure, as calculated in accordance with g., shall be divided by the annual number of hours in the on-peak period as specified in Schedule A. The resulting figure is the utility's net annual on-peak avoided capacity cost in dollars per kilowatt-hour.
  - i. The annual dollar per kilowatt figure resulting from the calculation specified in g. shall be divided by the total number of hours in the year. The resulting figure is the utility's net annual avoided capacity cost in dollars per kilowatt-hour averaged over all hours.
5. If the utility has no planned generating facility additions for the ensuing ten years, Schedule B shall contain its net

annual avoided capacity cost stated in dollars per kilowatt-hour averaged over the on-peak hours and the utility's net annual avoided capacity costs stated in dollars per kilowatt-hour averaged over all hours. These shall be calculated as follows:

a. The annual capacity purchase amount, in dollars per kilowatt, for the utility's next planned capacity purchase, other than from a qualifying facility, shall be discounted to present value as of the midpoint of the reporting year, from the year of the planned capacity purchase. The discount rate used shall be determined in the manner described in 4.b.

b. The net annual avoided capacity cost shall be computed by applying the figure determined in a. to the steps enumerated in 4.d.-4.i., excluding 4.g.

D. Schedule C. Schedule C shall contain all standard contracts to be used with qualifying facilities, containing applicable terms and conditions.

E. Schedule D. Schedule D shall contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. These standards and procedures shall not be more restrictive than the interconnection guidelines listed in 4 MCAR § 3.0462. The utility may include in Schedule D suggested types of equipment to perform the specified functions. No standard or procedure shall be established to discourage cogeneration or small power production.

F. Schedule E. Schedule E shall contain procedures for notifying affected qualifying facilities of any periods of time when the utility will not purchase electric energy or capacity because of extraordinary operational circumstances which would make the costs of purchases during those periods greater than the costs of internal generation.

G. Schedule F. Schedule F shall contain and describe all computations made by the utility in determining Schedules A and B.

H. Schedule G; special rule for nongenerating utilities. An electric utility which purchases all the power it sells shall obtain the data for Schedule A and Schedule B from its supplying utility. The nongenerating utility shall file this data as Schedule A and Schedule B. In addition, the nongenerating utility shall file Schedules C, D, F, and Schedule G. Schedule G shall list the rates at which the nongenerating utility currently purchases energy and capacity.

I. Availability of filings. All filings required by A.-H. shall be made with the commission and shall be maintained at the utility's general office and any other offices of the utility where rate case filings are kept. These filings shall be available for public inspection at the commission and at the utility offices during normal business hours.

#### 4 MCAR § 3.0453 Reporting requirements.

A. General requirements. Each utility shall provide the commission with the following information on or before November 1, 1982, and at any other such times and in any form as the commission may require.

B. Net energy billed qualifying facilities. For qualifying facilities under net energy billing, the utility shall provide the commission with the following information:

1. A summary of the total number of interconnected qualifying facilities, the type of interconnected qualifying facilities, and the name plate ratings of such units;

2. For each qualifying facility type, the total kilowatt-hours delivered per month to the utility by all net energy billed qualifying facilities;

3. For each qualifying facility type, the total kilowatt-hours delivered per month by the utility to all net energy billed qualifying facilities; and

4. For each qualifying facility type, the total net energy delivered per month to the utility by net energy billed qualifying facilities.

C. Other qualifying facilities. For all qualifying facilities not under net energy billing, the utility shall provide the commission with the following information:

1. A summary of the total number of interconnected qualifying facilities, the type of interconnected qualifying facilities, and the nameplate ratings of such units; and

2. For each qualifying facility type, the total kilowatt-hours delivered per month to the utility, reported by on-peak and off-peak periods to the extent that data is available.

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## PROPOSED RULES

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D. Wheeling. The utility shall provide a summary of all wheeling activities.

E. Major impacts. The utility shall provide a statement of any major impacts that cogeneration or small power production has had on the utility's system.

F. Effectiveness. The utility shall provide a statement of the effectiveness of Minn. Stat. § 216B.164 and 4 MCAR §§ 3.0450-3.0463 in encouraging cogeneration and small power production, as observed by the utility.

### 4 MCAR § 3.0454 Conditions of service.

A. Requirement to purchase. The utility shall purchase energy or capacity from any qualifying facility which offers to sell energy to the utility and agrees to the conditions set forth in 4 MCAR §§ 3.0450-3.0463.

B. Written contract. A written contract shall be executed between the qualifying facility and the utility.

C. Compliance with national electrical safety code. The interconnection between the qualifying facility and the utility shall comply with the requirements of the 'National Electrical Safety Code,' 1981 edition, issued by the Institute of Electrical and Electronics Engineers as American National Standards Institute Standard C2 (New York, 1980).

D. Responsibility for apparatus. The qualifying facility, without cost to the utility, shall furnish, install, operate, and maintain in good order and repair any apparatus the qualifying facility needs in order to operate in accordance with Schedule D. At the request of the qualifying facility, the utility shall furnish, install, operate, and maintain all or any portion of the apparatus and bill the qualifying facility for the equipment and service at cost.

E. Liability insurance. A utility or qualifying facility shall not require the procurement of liability insurance as a condition of service.

F. Legal status not affected. Nothing in 4 MCAR §§ 3.0450-3.0463 affects the responsibility, liability, or legal rights or any party under applicable law or statutes.

G. Payments for interconnection costs. Payments for interconnection costs may, at the option of the qualifying facility:

1. Be made at the time the costs are incurred;
2. Be amortized over the life of the contract; or
3. Be made according to any schedule agreed upon by the qualifying facility and the utility.

H. Types of power to be offered. The utility shall offer maintenance, interruptible, supplementary, and back-up power to the qualifying facility upon request.

I. Metering. The utility shall meter the qualifying facility to obtain the data necessary to fulfill its reporting requirements to the commission as specified in 4 MCAR § 3.0453. The qualifying facility shall pay for the requisite metering as an interconnection cost unless the qualifying facility is operating under net energy billing. In that case, the utility shall provide the second meter without cost to the qualifying facility.

J. Discontinuing sales during emergency. The utility may discontinue sales to the qualifying facility during a system emergency, if the discontinuance is not discriminatory.

K. Interconnection plan. The utility may, prior to interconnection, require the qualifying facility to submit an interconnection plan in order to facilitate interconnection arrangements. If such a plan is required, it shall include no more than:

1. Technical specifications of equipment;
2. Proposed date of interconnection; and
3. Projection of net output or consumption by the qualifying facility when available.

### 4 MCAR § 3.0455 Rates for sales.

A. Rates to be governed by tariff. Except as otherwise provided in B., rates for sales to a qualifying facility shall be governed by the applicable tariff for the class of electric utility customers to which the qualifying facility would belong were it not a qualifying facility.

B. Petition for specific rates. Any qualifying facility may petition the commission for establishment of specific rates for supplementary, maintenance, backup, or interruptible power.

### 4 MCAR § 3.0456 Standard rates for purchases.

A. General. F or qualifying facilities with capacity of 100 kilowatts or less, standard rates apply. Qualifying facilities with capacity of more than 100 kilowatts may negotiate contracts with the utility or may be compensated under standard rates if they make commitments to provide firm electric power. The utility shall make available three types of standard rates, described in

B., C., and D. The qualifying facility shall choose interconnection under one of these rates, and shall specify its choice in the written contract required in 4 MCAR § 3.0454 B. Any net credit to the qualifying facility shall, at its option, be credited to its account with the utility or returned by check within 15 days of the billing date. The option chosen shall be specified in the written contract required in 4 MCAR § 3.0454 B. Qualifying facilities remain responsible for any monthly service charges and demand charges specified in the tariff under which they consume electricity from the utility.

**B. Net energy billing rate.**

1. The net energy billing rate is available only to qualifying facilities with capacity of 40 kilowatts or less which choose not to offer electric power for sale on a time-of-day basis.

2. The utility shall bill the qualifying facility for the excess of energy supplied by the utility above energy supplied by the qualifying facility during each billing period according to the utility's applicable retail rate schedule.

3. When the energy generated by the qualifying facility exceeds that supplied by the utility during a billing period, the utility shall compensate the qualifying facility for the excess energy under either a. or b.

a. For a qualifying facility with capacity of 20 kilowatts or less, compensation shall be at the energy rate of the rate schedule applicable to sales to the qualifying facility. If the rate schedule consists of more than one block, the lowest per kilowatt-hour rate shall apply. The compensation shall reflect changes to the energy rate due to the operation of the utility's fuel adjustment clause.

b. For a qualifying facility with capacity of more than 20 kilowatts but not greater than 40 kilowatts, compensation shall be as specified under C.3.

**C. Simultaneous purchase and sale billing rate.**

1. The simultaneous purchase and sale rate is available only to qualifying facilities with capacity of 40 kilowatts or less which choose not to offer electric power for sale on a time-of-day basis.

2. The qualifying facility shall be billed for all energy and capacity it consumes during a billing period according to the utility's applicable retail rate schedule.

3. The utility shall purchase all energy generated by the qualifying facility. Compensation to the qualifying facility shall be the sum of a. and b.

a. The energy component shall be the appropriate system average incremental energy costs shown on Schedule A; or if the purchasing utility is nongenerating, the energy rate shown on Schedule G;

b. The capacity component shall be the utility's net annual avoided capacity cost per kilowatt-hour averaged over all hours as calculated according to 4 MCAR § 3.0452 C.4. or C.5. as appropriate; or if the purchasing utility is nongenerating, the capacity component shall be the capacity cost per kilowatt shown on Schedule G, divided by the number of hours in the billing period.

**D. Time-of-day purchase rates.**

1. Time-of-day rates are required for qualifying facilities with capacity greater than 40 kilowatts and less than or equal to 100 kilowatts, and they are optional for qualifying facilities with capacity less than or equal to 40 kilowatts. Time-of-day rates are also optional for qualifying facilities with capacity greater than 100 kilowatts if these qualifying facilities provide firm electric power.

2. The qualifying facility shall be billed for all energy and capacity it consumes during each billing period according to the utility's applicable retail rate schedule. Any utility rate-regulated by the commission may propose time-of-day retail rate tariffs which require qualifying facilities that choose to sell power on a time-of-day basis to also purchase power on a time-of-day basis.

3. The utility shall purchase all energy generated by the qualifying facility. Compensation to the qualifying facility shall be the sum of a. and b.

a. The energy component shall be the appropriate on-peak and off-peak system incremental costs shown on Schedule A; or if the purchasing utility is nongenerating, the energy rate shown on Schedule G.

**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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b. The capacity component shall be the utility's net annual avoided capacity cost per kilowatt-hour averaged over the on-peak hours as calculated according to 4 MCAR § 3.0452 C.4. or C.5. as appropriate; or if the purchasing utility is nongenerating, the capacity cost per kilowatt shown on Schedule G, divided by the number of hours in the billing period.

### 4 MCAR § 3.0457 Negotiated rate for purchases.

A. Contracts negotiated by customer. For qualifying facilities with capacity greater than 100 kilowatts, the customer may negotiate a contract with the utility. The contract shall set the applicable rates for payments to the customer of avoided capacity and energy costs.

B. Amount of payments; considerations. The amount of such payments shall be determined through consideration of:

1. The capacity factor of the qualifying facility;
2. The cost of the utility's avoidable capacity;
3. The length of the contract term;
4. Reasonable scheduling of maintenance;
5. The willingness and ability of the qualifying facility to provide firm power during system emergencies;
6. The willingness and ability of the qualifying facility to allow the utility to dispatch its generated energy;
7. The willingness and ability of the qualifying facility to provide firm capacity during system peaks;
8. The sanctions for noncompliance with any contract term; and
9. The smaller capacity increments and the shorter lead times available when capacity is added from qualifying facilities.

C. Full avoided energy costs. The qualifying facility shall be entitled to the full avoided energy costs of the utility. The costs shall be adjusted as appropriate to reflect line losses.

D. Qualifying facilities of greater than 100 kilowatts. Nothing in A.-C. prevents a utility from connecting qualifying facilities of greater than 100 kilowatts under its standard rates.

4 MCAR § 3.0458 Utility treatment of costs. All purchases from qualifying facilities with capacity of 100 kilowatts or less, and purchases of energy from qualifying facilities with capacity of over 100 kilowatts shall be considered an energy cost in calculating an electric utility's fuel adjustment clause.

4 MCAR § 3.0459 Wheeling and exchange agreements. For all qualifying facilities with capacity of 30 kilowatts or greater, the utility shall, at the qualifying facility's request or with its consent, provide wheeling or exchange agreements whenever practicable to sell the qualifying facility's output to any other Minnesota utility that anticipates or plans generation expansion in the ensuing ten years. The following provisions apply unless the qualifying facility and the utility to which it is interconnected agree otherwise.

A. Inter-utility payment; wheeling. The utility to which the qualifying facility is interconnected shall pay any reasonable wheeling charges from other utilities arising from the sale of the qualifying facility's output.

B. Inter-utility payment; energy and capacity. Within 30 days of receipt, the utility ultimately receiving the qualifying facility's output shall pay its resulting full avoided capacity and energy costs by remittance to the utility with which the qualifying facility is interconnected.

C. Payment to qualifying facility. Within 15 days of receiving payment under B., the utility with which the qualifying facility is interconnected shall send the qualifying facility the payment it has received less the total charges it has incurred under A. and its own reasonable wheeling costs.

4 MCAR § 3.0460 Disputes. In case of a dispute between an electric utility and a qualifying facility or an impasse in the negotiations between them, either party may request the commission to determine the issue. When the commission makes the determination, the burden of proof shall be on the utility.

### 4 MCAR § 3.0461 Notification to customers.

A. Contents of written notice. Within 60 days following each annual filing required by 4 MCAR § 3.0452, every electric utility shall furnish written notice to each of its customers:

1. That the utility is obligated to interconnect with and purchase electricity from cogenerators and small power producers;
2. That the utility is obligated to provide customer information to all interested persons free of charge upon request; and
3. That any disputes over interconnection, sales, and purchases are subject to resolution by the commission upon complaint.

The notice shall be in language and form approved by the commission.

B. Customer information. Each utility shall publish customer information that shall be available to all interested persons free of charge upon request. Such customer information shall include at least the following:

1. A statement of rates, terms, and conditions of interconnections;
2. A statement of technical requirements;
3. A sample contract containing the applicable terms and conditions;
4. Pertinent rate schedules;
5. The title, address, and telephone number of the department of the utility to which inquiries should be directed; and
6. The statement: "The Minnesota Public Utilities Commission is available to resolve disputes upon written request," and the address and telephone number of the commission.

**4 MCAR § 3.0462 Interconnection guidelines.**

A. Denial of interconnection application. The utility may refuse to interconnect a qualifying facility with its power system until the qualifying facility has properly applied under 4 MCAR § 3.0454 K. and has received approval from the utility. The utility shall withhold approval only for failure to comply with applicable utility or governmental rules or laws. The utility shall be permitted to include in its contract reasonable technical connection and operating specifications for the qualifying facility.

B. Notification of telephone utility and cable television firm. The electric utility shall notify the appropriate telephone utility and cable television firm when a qualifying facility is to be interconnected with its system. This notification shall be as early as practicable to permit coordinated analysis and testing before interconnection, if considered necessary.

C. Separate distribution transformer; when required. The utility may require a separate distribution transformer for the qualifying facility if necessary either to protect the safety of employees or the public or to keep service to other customers within prescribed limits. Ordinarily, this requirement should not be necessary for an induction-type generator with a capacity of five kilowatts or less, or other units with a capacity of ten kilowatts or less that utilize line-commutated inverters.

D. Limiting capacity of single-phase generators; when permitted. If necessary, to avoid the likelihood that a qualifying facility will cause problems with the service of other customers, the utility may limit the capacity and operating characteristics of single-phase generators in a way consistent with the utility limitations for single-phase motors. Ordinarily, single-phase generators should be limited to a capacity of ten kilowatts or less.

E. Automatic isolation of generator. The utility may require that the qualifying facility have a system for automatically isolating the generator from the utility's system upon loss of the utility's supply.

F. Discontinuing parallel operation. The utility may require that the qualifying facility discontinue parallel generation operation when necessary for system safety.

G. Permitting entry. The qualifying facility shall make equipment available and permit electric and communication utility personnel to enter the property at reasonable times to test isolation and protective equipment, to evaluate the quality of power delivered to the utility's system, and to test to determine whether the qualifying facility's generating system is the source of any electric service or communication systems problems.

H. Maintaining power output. The power output of the qualifying facility shall be maintained so that frequency and voltage are compatible with normal utility service and do not cause that service to fall outside the prescribed limits of commission rules and other standard limitations.

I. Varying voltage levels. The qualifying facility shall be operated so that variations from acceptable voltage levels and other service-impairing disturbances do not adversely affect the service or equipment of other customers, and so that the facility does not produce undesirable levels of harmonics in the utility power supply.

J. Safety. The qualifying facility shall be responsible for providing protection for the installed equipment and shall adhere to all applicable national, state, and local codes. The design and configuration of certain cogeneration and small power production equipment might require an isolation transformer as part of the qualifying facility installation for safety and protection of the qualifying facility equipment.

**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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K. Right of appeal for excessive technical requirements. The qualifying facility has the right of appeal to the commission when it considers individual technical requirements excessive.

4 MCAR § 3.0463 Existing contracts. Any interconnection contracts executed between a utility and a qualifying facility before the effective date of 4 MCAR §§ 3.0450-3.0463 may, at the option of either party, be canceled and replaced by interconnection contracts under 4 MCAR §§ 3.0450-3.0463.

## ADOPTED RULES

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

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

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

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

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## Department of Commerce Securities and Real Estate Division

### Adopted Rules SDiv 2014 (Agent Bonding), SDiv 2030 (Cheap Stock) and SDiv 2067 (Definitions), Relating to the Minnesota Securities Act

The rules proposed and published at *State Register*, Volume 6, Number 26, pp. 1183-1186, December 28, 1981 (6 S.R. 1183) are now adopted with the following modifications:

#### Rules as Adopted

##### SDiv 2030 Cheap stock.

B. Definition. Cheap stock means securities:

2. Issued at a price substantially less than the public offering price of the securities and which cannot be justified with reference to the existence of an active public market for such securities. Securities issued at a price substantially less than the public offering price of the securities means:

c. Securities issued for less than ~~33 2/3~~ 33 1/3 percent of the public offering price if the securities were issued more than two years but less than three years prior to registration.

In the case of unexercised options, or other securities convertible into the same class of security as that proposed to be offered, the aggregate of the cash amount paid and the cash amount required to be paid pursuant to the conversion or exercise privilege shall be divided by the number of shares issuable upon conversion or exercise to determine whether the securities were "issued at a price substantially less than the public offering price."

C. Exclusions. Cheap stock does not include:

2. Securities of an issuer which had earnings during the fiscal year prior to registration or had earning during two ~~or~~ of the three fiscal years prior to registration, as determined in accordance with generally accepted accounting principles, after taxes and excluding extraordinary income. For each fiscal year such earnings shall be in an amount equal to four or greater than four percent of the proposed public offering price on all outstanding shares of the same class at the date of application for registration; or

SDiv 2067 Definitions. For purposes of this subchapter, the following terms mean:

M. "Sponsor"—See SDiv 2058 (o).

Relettering. Reletter SDiv 2067 (a)-(1) as SDiv 2067 A.-L. and SDiv 2067 (n) and (o) as SDiv 2067 N. and O.

# SUPREME COURT

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## Decisions Filed Friday, March 19, 1982

Compiled by John McCarthy, Clerk

81-344 Great American Insurance Company, Appellant, v. Diane June Spoden, *et al.*, Defendants, and William A. Smoley, *et al.* Stearns County.

Workers' compensation carrier, claiming subrogation interest in employee's third-party recovery, cannot recover from employee's attorneys for wrongfully distributing the entire proceeds of the recovery to employee where carrier alleges no more than that attorneys were given notice of carrier's subrogation claim.

Affirmed. Peterson, J. Took no part, Kelley, J.

81-911 League General Insurance Company, Appellant, v. Richard N. Tvedt, *et al.*, Defendants, and Ronald Dozier, *et al.* Dakota County.

Insurer satisfied mandatory offer requirement of Minn. Stat. § 65B.49, subd. 6 (1978) (repealed 1980), by mailing information about the availability and operation of optional residual liability coverage to insured, despite absence from that information of specific premium rates.

Reversed. Peterson, J.

52030 The County of Ramsey, petitioner, v. Richard N. Miller and Tanya B. Miller, husband and wife, Appellants, City of New Brighton, County of Ramsey, *et al.* Ramsey County.

The development cost approach is a permissible method of appraising developmental property for purposes of a condemnation proceeding. Specific numerical, analytical and illustrative evidence which supports the appraisal is admissible only if a proper foundation is laid to show that (a) the land is ripe for development; (b) the owner can reasonably expect to secure the necessary zoning and other permits required for the development to take place; and (c) that the development will not take place at too remote a time.

Specific prices of comparable sales are admissible both on direct and cross-examination subject to the limitation that the comparable sales are not too remote in time.

The assessed valuation of the property as shown in the county auditor's records is admissible as bearing upon the fair market value of the property.

The owner's acquisition costs and money expended for improvements are admissible on both direct or cross-examination subject to the objection of being too remote in time.

Reversed and remanded. Yetka, J. Took no part, Kelley, J.

81-247 & 81-256 Denton Peterson, *et al.*, Shelby Mutual Insurance Company, v. C. W. Kludt, Special Administrator of the Estate of Joseph Lyczewski, deceased, Burlington Northern Railroad, Western National Mutual Insurance Company, General Casualty Company of Wisconsin, Appellant (81-256)-Respondent (81-247), State Farm Mutual Insurance Company, Appellant (81-247)-Respondent (81-256), and Burlington Northern, Inc., third-party plaintiff, v. City of Mentor, third-party defendant. Polk County.

The election of remedies provision under Minn. Stat. § 176.061, subd. 1 (1980) prevents an employee, after electing to receive workers' compensation benefits, from bringing suit against a fellow employee for injuries sustained while the co-employees are engaged in common enterprise and while they or their employer was insured or self-insured in accordance with the Workers' Compensation Act.

A "cross-exclusion" provision in an automobile insurance policy does not violate the Minnesota No-Fault Act.

Uninsured motorist coverage was inapplicable once recovery under the Workers' Compensation Act was elected.

Affirmed in part, reversed in part. Yetka, J.

## Decision Filed Friday, March 12, 1982

82-170/Sp. State of Minnesota v. Mark Paul Murto, Appellant. Ramsey County.

Defendant's sentencing appeal is remanded for reconsideration of sentence by the trial court in light of the opinion of this court in *State v. Randolph*, — N.W.2d — (Minn., filed February 23, 1982), which was filed after defendant's sentence was imposed.

Remanded. Amdahl, C. J.

# STATE CONTRACTS

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Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

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## Department of Health Health Systems Division

### Notice of Request for Proposals for Consultant Physicians in Long-term Care

The Minnesota Department of Health (MDH) is requesting applications from qualified physicians for consultation to the Health Systems Division in matters related to review of quality of care provided to Medicaid patients in Long-term Care Facilities in Minnesota. All positions would be held by contract for the period of July 1, 1982 through June 30, 1983, and interested physicians will be required to submit formal proposals according to the procedures required by the Minnesota Department of Administration. Maximum contract amounts and hourly rates will be discussed in the "request for proposals" (RFPs) issued by MDH for each of the described positions.

**Long-term Care Medical Director:** The Quality Assurance and Review Program is seeking a physician to provide medical guidance on assessment of the quality of care provided to Medicaid patients in long-term care facilities. The physician must have experience in the area of long-term care quality assurance. Consulting services are needed an average of 15 hours per week throughout the year in the Minneapolis office of MDH. The deadline for submission of applications is 4:00 p.m., May 31, 1982. To obtain a copy of the Request for Proposal for Professional Services, contact:

Marian Lewis, Chief  
Quality Assurance and Review Section  
Minnesota Department of Health  
717 Delaware Street, S.E.  
Minneapolis, Minnesota 55440

**Long-term Care Review:** Consulting services by two physicians are sought for medical review conducted by the Quality Assurance and Review Program. The program assesses the quality, quantity and appropriate level of care of Medicaid patients in long-term care facilities in Minnesota. Physician's services are needed in long-term care facilities between 2 to 4 days per month and are scheduled throughout the year. Travel by each review physician is generally limited to the region in which they reside. The deadline for submission of applications is 4:00 p.m., May 31, 1982. To obtain a copy of the Request for Proposal for Professional Services, contact Marian Lewis at the address given above.

## Department of Health Health Systems Division Emergency Medical Services Section

### Notice of Request for Proposals for Medical Director

The Minnesota Department of Health is requesting proposals from eligible physicians who would be able to serve as medical director of its Emergency Medical Services Section for the period July 1, 1982 to September 30, 1983. Qualifications for the position are: current active practice of emergency medicine or a related specialty; recognized standing in the professional community in the form of current or recent chairmanships and memberships of the American College of Emergency Physicians, Minnesota Medical Association, and other relevant professional associations; experience in working with governmental agencies; familiarity with the federal emergency medical systems grant program and other relevant federal and state programs; and interest in assisting the Department of Health in defining and reaching its goals in regard to the planning and development of emergency medical services, the regulation of current services, and the setting of appropriate guidelines and standards.

Minimum tasks include: developing and coordinating the implementation of a continuing education program in emergency medical care for medical professionals, assisting the Department of Health in revising rules and regulations pertaining to EMS, supervising and coordinating the activities of specialty medical advisors to the emergency medical services section of the

department, reviewing requests for waivers and variances, representing the department to various professional, governmental and public entities, providing general technical assistance as needed to the department and providing regular progress reports.

Candidates must respond in the form of a proposal to enter into a contract as required by the Department of Health. Maximum reimbursement for a total of 375 to 525 hours assistance will be \$18,000, which includes travel and expenses. The deadline for proposals is May 1, 1982. The Department of Health may renew this contract for a one-year period following the termination date of the contract.

Copies of the Request for Proposal and other information are available from:

James M. Stoffels, Chief  
Emergency Medical Services Section  
Minnesota Department of Health  
717 Delaware S.E.  
Minneapolis, MN 55440

## **Department of Natural Resources Office of Youth Programs**

### **Notice of Request for Proposal for Management and Operation of Youth Conservation Corps Program**

The Office of Youth Programs announces that it is seeking proposals for managing and operating its Youth Conservation Corps (YCC) program this summer. YCC is a summer work/learn program for high school youth 15-18 years old.

The responsibility of the contractor would be to provide staffing, part of the training, health and first aid supplies, after-hours and weekend activities and possibly food at the residential camps. The Department of Natural Resources will provide the enrollees and their salaries, the transportation, and the tools and equipment.

The residential camps are at Tettegouche State Park and St. Croix State Park. The non-residential camps will be at Wild River State Park, Fort Snelling State Park, and Whitewater State Park.

Proposals and inquiries should be directed to:

John Grix  
YCC Program Manager  
Box 4, Centennial Bldg.  
St. Paul, Mn. 55155  
(612) 296-2144

The estimated fee for this program is \$65,000.00. The deadline for submission of proposals will be the close of the working day April 20, 1982.

## **Department of Public Welfare Residential Facility: Brainerd State Hospital**

### **Notice of Request for Proposal for Medical Services**

Notice is hereby given that the Brainerd State Hospital, Mental Health Bureau, Department of Public Welfare, is seeking the following services for the period July 1, 1982 through June 30, 1983: These services are to be performed as requested by the Administration of the Brainerd State Hospital.

This request for proposals does not obligate the state to complete the projects, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

1. To perform laboratory services including post mortem examinations. The estimated amount of the contract will not exceed \$30,000.00.

2. Services of a physician to provide "on call" service for an acute ward, physical examinations, make hospital rounds, and conduct clinics. The estimated amount of the contract will not exceed \$34,300.00.

## STATE CONTRACTS

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3. Services of a radiologist to interpret x-rays taken at Brainerd State Hospital or special x-rays done under his/her direction at St. Joseph's Hospital, Brainerd, MN. The estimated amount of the contract will not exceed \$18,000.00.

Responses must be received by 11 a.m., April 26, 1982. Direct inquiries to:

Elmer O. Davis  
Assistant Administrator (218) 828-2399  
Brainerd State Hospital  
Box 349  
Brainerd, MN 56401

## Department of Public Welfare Health Care Programs Division

### Notice of Availability of Health Care Consultation Contracts

The Department of Public Welfare intends to issue consultant contracts to 12 Physicians and a Licensed Consulting Psychologist to serve on the Medical Assistance Professional Advisory Committee. The Licensed Consulting Psychologist contract will not exceed \$16,300. Of the 12 physicians on the Advisory Committee, 9 of the contracts will be for under \$10,000; one contract will be for a psychiatrist not to exceed \$33,600; one contract will be for an internist not to exceed \$14,560; and one contract will be for an orthopedist not to exceed \$10,400. All physicians must be Board Certified within their respective specialties.

The Department of Public Welfare also intends to issue consultant contracts to two Physicians and one Social Worker with a background and experience in the determination of disability. The two Physicians contracts will not exceed \$16,640 and \$20,800 respectively; and the Social Worker contract will not exceed \$16,640. These positions will comprise the State Medical Review Team.

Other contracts to be issued for consultants will be:

1. A Doctor of Pharmacy to consult to the DPW Surveillance Section. This contract is for less than \$10,000.
2. A Physical Therapist to consult to the DPW Professional Services Section. This contract is for less than \$10,000.
3. A Chiropractor to consult to the DPW Professional Services Section. This contract is for less than \$10,000.
4. An Orthodontist to consult to the DPW Professional Services Section. This contract is not to exceed \$27,674.
5. An Optometrist to consult to the DPW Professional Services Section. This contract is not to exceed \$12,150.

All contracts will be awarded to candidates based on their experience, education, achievements, professional standing and the DPW's need for types of specialties. All proposals must be received by the department by May 15, 1982. The Department of Public Welfare shall make the final selection of consultants and issue contracts of varying amounts of time and money for the period of July 1, 1982 through June 30, 1983.

Proposals and inquiries should be directed to:

Thomas JoliCoeur, Supervisor  
Health Care Programs Division  
Professional Services Section  
Space Center  
444 Lafayette Road  
St. Paul, MN 55101  
(612) 296-8822

# OFFICIAL NOTICES

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

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

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## Department of Agriculture Agronomy Services Division

### Notice of Special Local Need Registration for Agsco Blitex 80 MN

Pursuant to Minn. Stat. § 18A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on March 11, 1982, issued a Special Local Need Registration for Agsco Blitex 80 MN manufactured by Agsco Chemicals, Inc., Grand Forks, North Dakota.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide for the control of rust on dry beans.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN # MN 82-0004) is on file for inspection at:

Minnesota Department of Agriculture  
Pesticide Control Section  
90 West Plato Boulevard  
St. Paul, MN 55107  
Phone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15, for the purpose of revoking, amending or upholding this registration.

March 17, 1982

Mark W. Seetin, Commissioner

## Department of Commerce Banking Division

### Bulletin No. 2552: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of April 1982

Notice is hereby given that pursuant to Minnesota Statutes, § 47.20, subd. 4a (1980), the maximum lawful rate of interest for conventional home mortgages for the month of April 1982 is seventeen and one-quarter (17.25) percentage points. Further, pursuant to Minnesota Statutes, § 47.20, the maximum lawful rate of interest for contracts for deed for the month of April 1982 is seventeen and one-quarter (17.25) percentage points.

It is important to note that this maximum lawful interest rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

This is the same rate as set for March 1982 and is based on the Federal National Mortgage Association (FNMA) March 16, 1982, auction results and an average yield for conventional mortgage commitments of 17.021%. Current rates regarding the monthly publication are available by telephoning the Banking Division's 24-hour information number, (612) 297-2751.

March 18, 1982

Michael J. Pint  
Commissioner of Banks

## OFFICIAL NOTICES

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### Department of Health

#### Notice of Revised Application by City of Oakdale for Expansion of Primary Service Area

As of March 29, a revised application was submitted by the City of Oakdale with the Department of Health for an expansion of its primary service area to include a base of operations located at Oakdale Fire Department, 6279-50th Street North, Oakdale, Minnesota 55109. The application is considered complete. A notice of application was previously published in the *State Register* on January 18th.

This notice is given pursuant to Minnesota Statutes § 144.802 (1979), which requires that the Commissioner of Health publish the notice in the *State Register* at the applicant's expense, and in a newspaper in the municipality in which the service will be provided, or if no newspaper is published in the municipality, or if the service would be provided in more than one municipality, in a newspaper published at the county seat of the county or counties in which the service would be provided. Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Metropolitan Health Board, 300 Metro Square Building, Seventh & Robert Streets, St. Paul, Minnesota 55101, before the close of business on April 28th, 1982.

After a public hearing has been held in the municipality in which the service is to be located, the Metropolitan Health Board shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Metropolitan Health Board shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the Metropolitan Health Boards recommendations, the Commissioner of Health shall grant or deny the license to this applicant.

### Pollution Control Agency

#### Notice of Intent to Solicit Outside Opinion Concerning Proposed Amendments to the Minnesota Pollution Control Agency's Rules of Procedure

Notice is hereby given that the Minnesota Pollution Control Agency (agency) is considering amending its Rules of Procedure, PCA 1-13.

All interested or affected persons or groups may submit data or views on the proposed amendments. Statement of information and comment may be made orally or in writing. Comments and information concerning the proposed amendments should be directed to:

Jay M. Heffern  
Deputy Executive Director  
Minnesota Pollution Control Agency  
1935 West County Road B2  
Roseville, Minnesota 55113  
Telephone: (612) 296-7303

All written material received by the agency will become part of the record of any proceeding commenced by the agency to promulgate the rules.

### Department of Public Welfare Income Maintenance Bureau

#### Notice of Intent to Solicit Outside Opinion on Rule Governing Aid to Families with Dependent Children

Notice is hereby given that the Minnesota Department of Public Welfare is considering proposed amendments to DPW Rule 44 (12 MCAR § 2.004), Aid to Families with Dependent Children. The Aid to Families with Dependent Children program provides cash assistance to qualified families whose resources are not sufficient to meet their needs for food, shelter, clothing, and other essential items.

The amendments being considered by the department include:

- a) changes needed to bring the rule into compliance with new federal and state laws and federal regulations;

- b) selection of and detailing of options allowed within these laws and regulations;
- c) changes needed to conform to recent court decisions; and
- d) structural, technical, and grammatical changes to make the rule more specific, clear, and readable.

The subjects being considered for amendment include, but are not limited to, the following:

- 1) eligibility factors, such as the criteria for continued absence, unemployed parents, strikers, dependent children, pregnant women without other children, and aliens; AFDC income and resource limitations; and treatment of stepparent income and resources;
- 2) grant computation policies, such as earned income exclusions, deductions, and disregards; treatment of lump sums, stepparent and alien sponsor income, and earned income tax credits; retrospective budgeting; proration of initial grants;
- 3) administrative requirements, such as application processing; notice requirements; reporting responsibilities of applicants and recipients, including penalties for not reporting properly; methods to rectify incorrect payments; appeals for fair hearings; and penalties upon local welfare agencies for overdue eligibility review processing; and
- 4) miscellaneous provisions, such as emergency assistance eligibility and payment; special educational need situations; and relative responsibility.

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

James Allard  
Assistance Payments Division  
Minnesota Department of Public Welfare  
444 Lafayette Road—2nd Floor  
St. Paul, Minnesota 55101

Oral statements of information and comment will be received over the telephone at (612) 296-6433 between 8:00 a.m. and 4:00 p.m., Mondays through Fridays.

All statements of information and comment will be accepted by the department through the date of publication of the proposed rule in the *State Register*. Comments received by April 20, 1982 will be especially useful to the department in drafting the proposed rule.

Only written comments related to this solicitation and received by the department shall become part of the hearing record.

## Department of Transportation

### Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832.

#### Order No. 66550

Whereas, the Commissioner of Transportation has made his Order No. 66400, as amended by Order No. 66446, designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.832, and

Whereas, the commissioner has determined that the continued designation of the following streets and highways as seasonally, but temporarily, authorized to carry the gross weights permitted under Minnesota Statutes § 169.832 would result in their being seriously damaged or possibly destroyed.

It is hereby ordered that Commissioner of Transportation Order No. 66400 is amended by deleting the following designated streets and highway routes, or segment of routes coincident with the staged proper posting of seasonal, spring, road restrictions:

#### TRUNK HIGHWAYS

- T.H. 32—From Jct. T.H. 102 in Fertile to Ulen.  
In St. Hilaire from the Elevator entrance to Pennington County C.S.A.H. 3.
- T.H. 49—In St. Paul from Jct. T.H. 36 south to Schroeder Milk Company.
- T.H. 56—From Kenyon to Randolph.
- T.H. 59—From Erskine to Thief River Falls.

## OFFICIAL NOTICES

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T.H. 61—From Jct. T.H. 63 in Lake City to Jct. T.H. 60 in Wabasha.

T.H. 63—From Jct. T.H. 14 in Rochester to Jct. T.H. 61 in Lake City.

T.H. 112—From T.H. 93 to Jct. C.S.A.H. 36 (2nd Street) in LeSueur.

T.H. 267—From Iona to Jct. T.H. 30.

### CITY STREETS

Hutchinson—Arch Street between Michigan Street and the Farmers Elevator, and Michigan Street between T.H. 7 and Arch Street.

Winona —County Road 23 from Jct. T.H. 14 to the Jct. T.H. 61 (Minnesota City).

Dated this 18th of March, 1982.

Richard P. Braun  
Commissioner of Transportation

## Department of Transportation Technical Services Division

### Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Wednesday, April 7, 1982, at 9:00 a.m. in Room 419, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by 14 MCAR § 1.5032 M.4.b. Rules for State Aid Operations under Minnesota Statutes, chapters 161 and 162 (1978), as amended.

The agenda will be limited to these questions:

1. Petition of the City of Anoka for a variance from minimum design standards for street width for a construction project along Military Road between South Street and Washington Street and along South Street between Fifth Avenue and Seventh Avenue.
2. Petition of Preble Township, Fillmore County, for a variance from minimum design speed standards for a bridge replacement project located on Preble Township Road, 0.2 mile south of T.H. 43 on the west line of Section 34, Township 102 North, Range 8 West.
3. Petition of Rice County for a variance from minimum design speed standards for a special resurfacing project along CSAH 20 between CSAH 25 in the City of Faribault and a point 2.94 miles north in Cannon City.
4. Petition of Freeborn County for a variance from minimum design speed standards for special resurfacing projects along CSAH 10 from County Road 95 to CSAH 33; along CSAH 20 from Lakeview Boulevard in Albert Lea to CSAH 14 and along CSAH 13 from London Township Road #275 to East County Line.
5. Petition of Wabasha County for a variance from minimum design speed standards for a special resurfacing project along CSAH 2 between Trunk Highway 63 and Trunk Highway 60.
6. Petition of Carlton County for a variance from minimum design standards for design speed for a special resurfacing project along CSAH 6 from 1.7 miles east of Barnum and CSAH 5.
7. Petition of the City of Winona for a variance from minimum design speed standards for a construction project along MSAS 128 (Riverview Drive) from Commercial Harbor to Huff Street.
8. Petition of Norman County for a variance from minimum design standards for bridge width on CSAH 39 over Wild Rice River, 3.0 miles west of Borup, Minnesota, and for a variance from minimum design standards for bridge width on CSAH 29 over the Wild Rice River near the City of Faith.
9. Petition of Hubbard County for a variance from minimum design speed standards for a special resurfacing project along CSAH 24 between CSAH 4 and CSAH 7 and along CSAH 40 between T.H. 71 and CSAH 7.

10. Petition of Houston County for a variance from minimum design speed standards for a special resurfacing project along CSAH 12 from West Limits of Caledonia to approximately 3½ miles west of Caledonia and for CSAH 17 from T.H. 44 to CSAH 28.

11. Petition of Goodhue County for a variance from minimum design standards for a special resurfacing project along CSAH 3 between T.H. 58 and CSAH 2.

12. Petition of the City of Fergus Falls for a variance from minimum design standards for street width for a construction project along Summit Avenue.

The cities and counties listed above are requested to appear before the Variance Committee according to the following time schedule:

9:00 A.M.	City of Anoka
9:30 A.M.	Carlton County
10:00 A.M.	Goodhue County
10:30 A.M.	Rice County
11:00 A.M.	Freeborn County
11:30 A.M.	Fillmore County
1:00 P.M.	Wabasha County
1:30 P.M.	Houston County
2:00 P.M.	Hubbard County
2:30 P.M.	City of Winona
3:00 P.M.	Norman County
3:30 P.M.	City of Fergus Falls

Dated this 17th day of March, 1982

Richard P. Braun  
Commissioner of Transportation

### **Petition of the City of Fergus Falls for a Variance from State Aid Standards for Street Width**

Notice is hereby given that the City Council of the City of Fergus Falls has made a written request to the Commissioner of Transportation for a variance from minimum design standards for street width along Summit Avenue.

The request is for a variance from 14 MCAR § 1.5032 H.1.c., Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a minimum street width of 44 feet with parallel parking permitted on both sides of the street instead of a required width of 46 feet.

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 this 16th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the County of Goodhue for a Variance from State Aid Standards for Parallel Parking**

Notice is hereby given that the County Board of Goodhue County has made a written request to the Commissioner of Transportation for a variance from minimum design standards for a special resurfacing project along CSAH 3 between TH 58 and CSAH 2.

The request is for a variance from 14 MCAR § 1.5032 H.1.d., Rules for State Aid Operations under Minnesota Statutes, chapters 161 and 162 (1978) as amended, so as to permit a minimum design speed of 40 mph instead of a design speed of 45 mph.

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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 hearing has been held on the request.

Dated this 16th day of March, 1982

Richard P. Braun  
Commissioner of Transportation

### **Petition of the County of Houston for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of Houston County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for CSAH 12 from West Limits of Caledonia to approximately 3½ miles west of Caledonia and for CSAH 17 from T.H. 44 to CSAH 28.

The request is for a variance from 14 MCAR § 1.5032 H.1.d., Rules for State Aid Operations under Minnesota Statutes, chapters 161 and 162 (1978) as amended, so as to permit a minimum design speed of 43 miles per hour instead of a minimum design speed of 45 miles per hour.

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 this 16th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the County of Hubbard for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of Hubbard County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a special resurfacing project along CSAH 24 between CSAH 4 and CSAH 7 and along CSAH 40 between T.H. 71 and CSAH 7.

The request is for a variance from 14 MCAR § 1.5032 H.1.d., Rules for State Aid Operations under Minnesota Statute, chapters 161 and 162 (1978) as amended, so as to permit a design speed of 40 miles per hour instead of a required design speed of 45 miles per hour.

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 this 16th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

## **Department of Transportation**

### **Petition of the County of Norman for a Variance from State Aid Standards for Bridge Width**

Notice is hereby given that the County Board of Norman County has made a written request to the Commissioner of Transportation for a variance from minimum design standards for bridge width on CSAH 39 over Wild Rice River 3.0 miles west of Borup, Minnesota.

The request is for a variance from 14 MCAR § 1.5032 H.1.a., Rules for State Aid Operations under Minnesota Statutes, chapters 161 and 162 (1978) as amended, so as to permit a minimum bridge width of 24 feet instead of a required bridge width of 28 feet.

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 this 16th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the County of Norman for a Variance from State Aid Standards for Bridge Width**

Notice is hereby given that the County Board of Norman County has made a written request to the Commissioner of Transportation for a variance from minimum design standards for bridge width on CSAH 29 over the Wild Rice River near the City of Faith.

The request is for a variance from 14 MCAR § 1.5032 H.1.a., Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a minimum bridge width of 19 feet instead of a bridge width of 28 feet.

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 this 16th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the City of Winona for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the City Council of the City of Winona has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a construction project along MSAS 128 (Riverview Drive) from Commercial Harbor to Huff Street.

The request is for a variance from 14 MCAR § 1.5032 H.1.b., Rules for State Aid Operations under Minnesota Statute, chapters 161 and 162 (1978) as amended, so as to permit a design speed of 30 miles per hour instead of a required design speed of 40 miles per hour.

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 this 16th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

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