

State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
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State Register

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

The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 37 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
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# 36	Monday 4 March	Noon Tuesday 26 February	Noon Wednesday 20 February
# 37	Monday 11 March	Noon Tuesday 5 March	Noon Wednesday 27 February
# 38	Monday 18 March	Noon Tuesday 12 March	Noon Wednesday 6 March

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Governor: Mark Dayton (651) 296-3391	Administration Commissioner: Spencer R. Cronk (651) 201-2555	Editor: Robin PanLener (651) 297-7963, robin.panlener@state.mn.us
Lieutenant Governor: Yvonne Prettner Solon (651) 296-3391	Plant Management Division: Christopher A. Guevin (651) 201-2350	Assistant editor: John Mikes (651) 297-4616, john.mikes@state.mn.us
Attorney General: Lori Swanson (651)296-6196	Minnesota's Bookstore: Mary Mikes (651) 297-3979	Subscriptions Manager: Loretta J. Diaz (651) 297-8777, loretta.diaz@state.mn.us
Auditor: Rebecca Otto (651) 296-2551		
Secretary of State: Mark Ritchie (651) 296-2803		

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Minnesota Rules: Amendments and Additions

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 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 strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Natural Resources (DNR) Adopted Permanent Rules Relating to Fishing Contests

The rules proposed and published at *State Register*, Volume 36, Number 48, pages 1536-1542, June 18, 2012 (36 SR 1536), are adopted with the following modifications:

6212.2525 PERMITTED FISHING CONTESTS.

Subp. 4. Permit conditions.

A. ~~For the purposes provided in *Minnesota Statutes*, section 97C.081, subdivision 4, When necessary to protect fish and fish habitat, restrict activities during high-use periods, restrict activities that affect research or management work, restrict the number of boats, ensure the safety of contest participants, or decontaminate boats participating in fishing contests on infested waters, one or more of the following conditions or restrictions may shall~~ be specified in the permit:

(3) fish holding equipment requirements;

(8) handling and transport of fish.

B. The commissioner shall consider the following criteria when determining conditions to be included in the permit:

(1) whether the contest activity will advance knowledge, understanding, interpretation, or management of a fish species, fish community, or water body;

(4) whether the contest activity is detrimental or helps achieve management objectives for the specific water body;

6212.2600 POSSESSION OF FISH.

Subp. 3. **Authority to hold and release fish.** In contests where fish may be returned to the contest waters, the permittee may be authorized to hold healthy fish and release them immediately following weigh-in. Suitable release sites may be specified in the permit for the purposes provided in *Minnesota Statutes*, section 97C.081, subdivision 4. The commissioner shall consider the following criteria to determine when a specific release location should be included in the permit:

A. whether water or habitat quality at or near release sites would result in undue mortality of released fish;

B. whether barriers such as dams or channels exist that ~~may would~~ limit natural fish movement or redistribution;

C. whether genetics of the contest fish ~~and are consistent with the genetics of~~ the fish population where the contest fish are being released;

D. whether a particular release location is necessary in light of the preferred fish habitat; and home range of the contest fish; ~~or where the fish was caught is beyond what the fish species has been reported in the scientific literature to reasonably navigate;~~

E. whether release of the contest fish at another location would lead to localized depletion of fish stocks from contest waters where the contest fish were caught and removed; or

F. whether release of contest fish may result in the spread of diseases or invasive species.

Adopted Rules

Subp. 4. Gifting and donating fish.

A. To prevent the waste of fish, a contest organizer may be permitted to accept from contest participants fish lawfully taken and possessed during a contest for gifting to a charitable or nonprofit organization as defined by the Internal Revenue Service or a charity that is registered with the Attorney General's Office, Charities Division, and listed on the attorney general's Web site. Contest organizers ~~wanting to be permitted for gifting and donating who want to apply for a permit to gift or donate~~ fish must fill out the appropriate sections of the contest application.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Exempt Permanent Game and Fish Rules: Designated Experimental and Special Management Waters

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 32, see M.R.]

[For text of subp 33, see 36 SR 505]

[For text of subp 34, see M.R.]

Subp. 35. [See repealer.]

[For text of subps 36 to 55, see M.R.]

Exempt Rules

Subp. 56. **Walleye slot limits on Namakan Reservoir Lakes.** While a person is on or angling in the following waters, all walleye in possession or under control must be less than 17 inches in length or greater than 28 inches in length. All walleye that are 17 to 28 inches in length, inclusive, must be immediately returned to the water. A person's possession and daily limit for walleye and sauger is six in the aggregate, of which not more than four may be walleye and not more than one walleye may be over 28 inches in length.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A. Kabetogama Lake (including Sullivan Bay and Ash River to Ash River Falls)	T.68, R.19,20, S.Various T.69, R.19,20,21, 22, S.Various T.70, R.21,22, S.Various	St. Louis, Koochiching	3/1/2013 <u>3/1/2019</u>
B. Namakan Lake	T.68, R.17,18,19, S.Various T.69, R.17,18,19, S.Various T.70, R.18, 19, S.Various	St. Louis	3/1/2013 <u>3/1/2019</u>
C. Sand Point Lake	T.67, R.16, S.Various T.68, R.16, S.Various T.69, R.17, S.Various	St. Louis	3/1/2013 <u>3/1/2019</u>
D. Little Vermilion Lake (including Loon River to Loon Falls Portage)	T.66, R.16, S.Various T.67, R.16, S.Various	St. Louis	3/1/2013 <u>3/1/2019</u>
E. Crane Lake (including Vermillion Gorge <u>and the Echo River from the mouth upstream to St. Louis Co. Highway 424 bridge</u>)	T.67, R.16,17, S.Various T.68, R.16,17, S.Various	St. Louis	3/1/2013 <u>3/1/2019</u>

[For text of subps 57 to 64, see M.R.]

Subp. 65. [See repealer.]

[For text of subps 66 to 70, see M.R.]

[For text of subp 71, see 36 SR 501]

Subp. 72. **Big Birch Lake and Big Swan Lake; northern pike size limits.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession and daily limit may not include more than one northern pike over 36 inches in length.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A: Big Birch	T.127, R.33, S.19,20,25,26	Todd, Stearns	3/1/2015
B: Big Swan	T.128, R.32, S.Various	Todd	3/1/2013

[For text of subp 73, see 36 SR 501]

[For text of subps 74 to 79, see M.R.]

Subp. 80. **Big Swan Lake; northern pike size limit and bag restrictions.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit for northern pike is six and may not include more than one northern pike over 36 inches in length.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
<u>Big Swan</u>	<u>T.128, R.32, S.Various</u>	<u>Todd</u>	<u>3/1/2018</u>

Exempt Rules

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

[For text of subp 4, see 36 SR 1252]

[For text of subs 5 to 8, see M.R.]

Subp. 9. [See repealer.]

[For text of subs 10 to 14, see M.R.]

Subp. 15. **Conservation Norway Lake; special regulations.** While on or fishing angling in the following waters, the daily and possession limit for walleye is three; for crappie is five; and for sunfish is five; and for yellow perch is ten. Angling for largemouth bass is limited to catch and release only. Any. All crappie in possession must be ten inches or greater in length. All crappie less than ten inches in length must be immediately returned to the water. While on or angling in the following waters, all largemouth bass caught and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. Catch and release angling for largemouth bass is legal only during the open season for largemouth bass in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any largemouth bass while on or fishing in the following waters: A person's possession limit may not include more than one largemouth bass or smallmouth bass, in aggregate, over 20 inches in length.

Name	Location	County
Norway Lake	T.133N, R.41,42W, S.19,20,24,25,29,30	Otter Tail

[For text of subs 16 to 18, see M.R.]
 [For text of subp 19, see 36 SR 501]
 [For text of subs 20 and 21, see M.R.]
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 [For text of subp 72, see 36 SR 501]
 [For text of subs 73 to 96, see M.R.]
 [For text of subp 97, see 36 SR 505]
 [For text of subs 98 to 109, see M.R.]

Subp. 110. **Big Pine and Little Pine Lakes; walleye size restrictions.** While a person is on or angling in the following waters, all walleye in possession must be less than 18 inches in length or greater than 26 inches in length. All walleye that are 18 to 26 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one walleye over 26 inches in length.

Name	Location	County
A. <u>Big Pine Lake</u>	<u>T.136, R.38, S.5,8,15,16,21,32,33</u>	<u>Otter Tail</u>
B. <u>Little Pine Lake</u>	<u>T.136,137 R.38,39, S.Various</u>	<u>Otter Tail</u>

Subp. 111. **North Ten Mile and South Ten Mile Lakes; largemouth bass and smallmouth bass size restrictions.** While a person is on or angling in the following waters, all largemouth bass and smallmouth bass in possession must be less than 14 inches in length or greater than 20 inches in length. All largemouth bass and smallmouth bass that are 14 to 20 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one largemouth bass or smallmouth bass, in aggregate, over 20 inches in length.

Exempt Rules

<u>Name</u>	<u>Location</u>	<u>County</u>
A. <u>North Ten Mile Lake</u>	<u>T.131, R.42W, S.16,17,20,21</u>	<u>Otter Tail</u>
B. <u>South Ten Mile Lake</u>	<u>T.131, R.42W, S.27,28,29,32,33,34</u>	<u>Otter Tail</u>

Subp. 112. **Annie Battle Lake including inlets and outlets.** Notwithstanding part 6262.0575, while a person is on or angling in the following waters, the daily and possession limit for black crappie and sunfish is five for each species. Angling for largemouth bass and smallmouth bass is limited to catch and release only, whereby any largemouth bass or smallmouth bass caught must be immediately returned to the water. Catch and release angling for largemouth bass and smallmouth bass is legal during the open season for these species in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any largemouth bass or smallmouth bass while on or angling in the following waters.

<u>Name</u>	<u>Location</u>	<u>County</u>
A. <u>Annie Battle Lake</u>	<u>T.133, R.39,40, S.13,18,19,24</u>	<u>Otter Tail</u>
B. <u>Annie Battle inlet stream beginning at the exit point of Molly Stark Lake to the confluence with Annie Battle Lake</u>	<u>T.133, R.24, S.24</u>	<u>Otter Tail</u>
C. <u>Annie Battle outlet stream beginning at the northwest exit of Annie Battle Lake to Blanch Lake</u>	<u>T.133, R.40, S.12</u>	<u>Otter Tail</u>

Subp. 113. **La Salle Lake.** While a person is on or angling in the following waters, the daily and possession limit for black crappie is five, for sunfish is five, for yellow perch is ten, and for walleye is two. Angling for largemouth bass and smallmouth bass is limited to catch and release only, whereby any largemouth bass or smallmouth bass caught must be immediately returned to the water. Catch and release angling for largemouth bass and smallmouth bass is legal during the open season for these species in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any largemouth bass or smallmouth bass while on or angling in the following waters.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>La Salle</u>	<u>T.145, R.35, S.30,31,32</u>	<u>Hubbard</u>

REPEALER. *Minnesota Rules*, parts 6264.0300, subparts 33, 35, and 65; and 6264.0400, subpart 9, are repealed. The expedited emergency amendment to *Minnesota Rules*, part 6264.0400, subpart 15, published in the *State Register*, volume 36, page 501, October 31, 2011, is repealed.

EFFECTIVE DATE. The amendments to *Minnesota Rules*, parts 6264.0300 and 6264.0400, are effective March 1, 2013.

Official Notices

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

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Minnesota Department of Health (MDH)

Division of Health Policy

Notice of Adoption of Revised Rules: Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X222A1 Health Care Claim: Professional (837), version 6.0; Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X223A2 Health Care Claim: Institutional (837), version 6.0; and Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X224A2 Health Care Claim: Dental (837), version 6.0

Introduction. Notice is hereby given that the Minnesota Department of Health (MDH) has adopted version 6.0 of the Minnesota Uniform Companion Guides (MUCGs) for the following ASC X12N transactions:

- ASC X12N/005010X222A1 Health Care Claim: Professional (837);
- ASC X12N/005010X223A2 Health Care Claim: Institutional (837); and
- ASC X12N/005010X224A2 Health Care Claim: Dental (837).

Description of the Rules. *Minnesota Statutes*, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers, clearinghouses, and health care providers to exchange specified health care administrative transactions electronically, using the applicable single, uniform companion guide adopted by the Commissioner of Health. Under *Minnesota Statutes*, section 62J.61, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59.

Changes and Updates to Previously Adopted Rules. The versions of the above-referenced MUCGs most recently adopted into rule were published as version 4.0 (v4.0) and were posted at <http://www.health.state.mn.us/asa/rules.html>. The Commissioner of Health, in consultation with the AUC and its Technical Advisory Groups (TAGs), determined that it was necessary to make revisions to the v4.0 rules to ensure that they remained up-to-date and were as clear and useful as possible. Proposed revised versions of the rules were published as version 5.0 (v5.0) and were announced November 13, 2012 in the *Minnesota State Register*, Volume 37, Number 51. The *State Register* notice also announced the start of a 30-day public comment period that concluded on December 12, 2012. The comments received were reviewed with the assistance of the AUC, resulting in a number of revisions to version 5.0. Version 6.0 of the above referenced

MUCGs incorporates and adopts into rule the changes from v4.0 to v5.0, as well as subsequent changes to v5.0.

Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the rules, the Commissioner is publishing this notice adopting version 6.0 (v6.0) of the above referenced MUCGs. The v6.0 rules:

- Describe the data content and other transaction specific characteristics of the transactions listed above, for use by entities subject to Minnesota Statutes, section 62J.536;
- Supersede all previous versions and are effective 30 days after the publication of this notice of adoption in the *State Register*;
- Are to be used in conjunction with all applicable Minnesota and federal regulations, including 45 CFR Parts 160, 162, and 164 (HIPAA Administrative Simplification, including adopted federal operating rules) and related ASC X12N and retail pharmacy specifications (ASC X12N and NCPDP implementation specifications);
- Supplement, but do not otherwise modify, the ASC X12N and NCPDP implementation specifications in a manner that will make their implementation by users to be out of compliance; and
- Must be appropriately incorporated by reference and/or the relevant transaction information must be displayed in any companion guides provided by entities subject to Minnesota Statutes, section 62J.536.

Modifications. In order to improve the clarity and readability of the above-referenced rules, much of the organization, content, and appearance of the v4.0 MUCGs have been modified in v6.0. The following modifications to version 4.0 in all of the above referenced MUCGs were proposed in v5.0 and are being adopted in v6.0 as summarized below.

- 1) A new cover page has been added to provide summary information regarding the document, including: the applicable statutes; a description of the document, including its purpose and relationship with other laws and related documents; and the status of the document. The cover page also notes that permission has been granted to use ASC X12 copyrighted material.
- 2) Information previously published on the inside front cover page and as section 4 (“Introduction and Overview”) in v4.0 has been revised and relocated to new sections 1 (“Overview”) and 3 (“How to use this document”) in v6.0.
- 3) The following sections that appeared in v4.0 have been removed:
 - a. Section 2 (“Statement of the Minnesota Department of Health”);
 - b. Section 3 (“Statement of the Minnesota Administrative Uniformity Committee”); and
 - c. Much of the information published previously as Section 5.1 (“Introduction to Table”).
- 4) Section 4.1.2 (“Applicability”) in v4.0 is now shown as Section 1.2 in v6.0. The section also now includes additional information about the applicability of the state’s health care administrative data exchange requirements to health care clearinghouses.
- 5) A new section 2.0 (“Purpose of this document and its relationship with other applicable regulations”) was added to v6.0. This section repeats information from the cover page for emphasis, corrects the website address for obtaining a copy of the ASC X12 implementation specifications, and repeats that permission has been granted to use ASC X12 copyrighted material.
- 6) The data content tables in section 5 of v4.0 have been appreciably shortened and moved to section 4 in v6.0 a result of:
 - 1) An overall reorganization of the MUCGs;
 - 2) Deleting references to and explanations of the designation “Not Considered for Processing (NCFP)”;
 - 3) Listing only those loops, segments, and elements for which there are clarifications and/or instructions that are different than the ASC X12N implementation specifications.

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7) Other grammatical and formatting revisions were made throughout in the above-referenced v6.0 MUCGs to improve readability, organization, and ease of use.

In addition, Appendix A (“Medical Code Set – Supplemental Information for Minnesota Uniform Companion Guides”) of the v6.0 MUCGs for the X12N/005010X222A1 Health Care Claim: Professional (837) and the ASC X12N/005010X223A2 Health Care Claim: Institutional (837) was reformatted and updated as follows below.

1) Table A.5.1, “Minnesota Coding Specifications: When to Use Codes Different From Medicare”, was reformatted and updated with the following changes:

a) Where the “Minnesota Rule” for a “Medicare Claims Processing Manual Chapter Number” included several topics, those topics are now shown separately for easier identification and reference;

b) A new column, “Specific coding topic”, was added to better identify the separate *Minnesota Rule* topic described above;

c) The Minnesota Rule entry for Medicare Claims Processing Manual Chapter Number Chapter 14 (Chapter 14) was revised for clarification to read, “Per trading partner agreement, either the 837P or the 837I claim type is allowed pending further guidance from CMS. Check with payer to determine preferred billing method.”

2) Section A.5.2, “Behavioral Health Procedure Code/ Modifier Combinations: For Specific Benefit Packages Unique to State Government Programs” was reformatted and updated. In particular, these changes include:

a) The table entitled “Mental health related modifiers” in v4.0 was retitled “A.5.2.1 Mental health modifiers appearing in table A.5.2.” In addition, the content of the table was modified with the addition of two new modifiers, *U1 (Dialectal Behavior Therapy)* and *U6 (Interactive)*;

b) A new table, “Behavioral Health Programs Listed in Table A.5.2,” was added;

c) New listings were added for *Mental health diagnostic assessment*, *Dialectical behavior therapy*, and *Youth assertive community treatment*;

d) Changes were made to the table entry for *Children’s Day Treatment* to replace the codes shown in v4.0 with only two codes in v6.0: *H2012UA* (behavioral health day treatment, per hour, CTSS); and *H2012 UA U6* (behavioral health day treatment, per hour, CTSS, interactive);

e) Content and/or formatting changes were made to entries for: *Children’s Mental Health Residential Treatment Services*; *Children’s Day Treatment*; *Children’s Therapeutic Services and Supports (CTSS)*; *Mental Health Diagnostic Assessment*; and *Dialectical Behavior Therapy*.

3) Table 3 in section A.5.3, “Substance Abuse Services,” was split into three separate tables in v6.0 based on the setting in which the services are provided. The three tables are entitled *Table A.5.3.a Hospital*, *Table A.5.3.b All other residential*, and *Table A.5.3.c Outpatient services*. In addition:

i) Table A.5.3.c in v6.0 for *Outpatient services* was further subdivided by claim type (837I, 837P), with the following content changes:

(1) For 837I claim type, *Outpatient program; Treatment only*: The unit to be billed is “hour,” with revenue codes 0944 or 0945, using HCPCS procedure codes H2035 HQ (group) or H2035 (individual), on the 089x or 013x type of bill; and

(2) For 837P claim type, *Outpatient program; Treatment only*: The unit to be billed is “hour,” using HCPCS procedure codes H2035 HQ (group) or H2035 (individual).

In the v6.0 MUCG for the X12N/005010X222A1 Health Care Claim: Professional (837), additional changes were made to Appendix A, Table A.5.1 including:

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- The *Minnesota Rule* entry for Chapter 10 was reorganized by coding topic for *PCA and Homemaking Services* and instructions for *Home Infusion*;
- The *Minnesota Rule* entry for Chapter 12 was reorganized by coding topic for: *Allergy, clinical immunology; Modifier 50; Bilateral Radiology; E-visits; Telephone services; Interpreter services; Collaborative psychiatric consultation; Patient not in exam room; and Health care homes*. In addition, the entry for *Collaborative psychiatric consultation* was revised, and a new topic entry was added for *ImPACT testing*.
- The *Minnesota Rule* entry for Chapter 13 was reorganized by coding topic for *Technical and professional component and Bilateral radiology*. In addition a note in the v4.0 MUCG directing the reader to a Medicare Chapter 16 entry was deleted;
- The *Minnesota Rule* entry for Chapter 14 was reorganized by coding topic for *Modifier 50, Bilateral radiology, and Claim type*. The entry for *Claim type* was also revised;
- The *Minnesota Rule* entry for Medicare Chapter 15 was reorganized by coding topic for *General and Non-emergent, scheduled transport*;
- The *Minnesota Rule* entry for Chapter 16 was reorganized by coding topic for *Repeat services and Lab panels*. In addition, the entry for *Genetic coding modifiers* in v4.0 was removed from v6.0 as no longer applicable;
- The *Minnesota Rule* entry for Chapter 18 was reorganized by coding topic for: *Preventive services and coding as defined by Medicare; New patient receives preventive care and an illness-related E/M service at the same visit; Diagnosis coding for screening services; Roster billing; Vaccine administration; Vaccines acquired through the Minnesota Vaccines for Children (MnVFC) program; Vaccine administration with counseling for patients through 18 years of age; and C&TC*. In addition, the content of the *C&TC* topic was expanded;
- The *Minnesota Rule* entry for Chapter 20 was reorganized by coding topic for: *Oxygen codes; Modifiers to indicate rental or purchase; Binaural hearing aids; and Upgrades*; and
- A new entry for *Licensed Traditional Midwife Services (Not Certified Nurse Midwives)* was added at the end of the table.

In addition, in the v6.0 MUCG for the X12N/005010X222A1 Health Care Claim: Professional (837):

- The v4.0 table in section A.5.4, “Maternal and Child Health Billing Guide for Public Health Agencies,” was split into three separate tables in v6.0. The separate tables are entitled *Table A.5.4.a Public health nurse clinic services*, *Table A.5.4.b Maternal and child health visits*, and *Table A.5.4.c Other services and Miscellaneous*. The table was also updated to show the UC modifier as added to the coding listed for “Maternal Depression Screenings” in the “miscellaneous” section of the table.

In the v6.0 MUCG for the X12N/005010X223A2 Health Care Claim: Institutional (837), additional changes were made to Appendix A, Table A.5.1 including:

- The *Minnesota Rule* entry for Chapter 4 was reorganized by coding topic for: *Observation; Partial hospitalization; Bilateral Radiology; Outpatient professional services in Method II Critical Access Hospitals; Interpreter services; and Modifiers 76 or 91*;
- The *Minnesota Rule* entry for Chapter 6 was reorganized by coding topic for: *Room and board; Reporting private room and/or in lieu of day differentials; Ancillaries; and Long term care*;
- The *Minnesota Rule* entry for Chapter 10 was reorganized by coding topic for *Home health services, Reporting continuous services beyond the encounter and multiple nurse encounters with the same date of service, and Approved HCPCS code set*;
- The *Minnesota Rule* entry for Chapter 13 references the *Bilateral radiology* subtopic;
- The *Minnesota Rule* entry for Chapter 17 was revised. The previous entry for “If reporting any portion of a single use vial or package as discarded ...” was revised to now show the instructions “Follow Medicare coding guidelines” in Minnesota Rule column;

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- The *Minnesota Rule* entry for Chapter 18 was reorganized by coding topic for: *Preventive services and coding as defined by Medicare; Colonoscopy; Vaccine administration; Minnesota Vaccines for Children (MnVFC) program; and Vaccine administration with counseling for patients through 18 years of age;*

- A new entry for “Freestanding Birthing Centers” was added at the end of the table.

How to Obtain the Version 6.0 MUCGs (837s) Referenced Above. Free copies of the adopted 6.0 rules as described above are available for viewing or downloading on the World Wide Web at: <http://www.health.state.mn.us/asa/>.

Persons who wish to obtain paper copies should contact Judy Edwards, Minnesota Department of Health, at:

Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0822;
Phone: (651) 201-3578, or
Fax: (651) 201-3830, or
E-mail (Preferred) Judy.Edwards@state.mn.us

Dated: February 18, 2013

Edward P. Ehlinger, MD, MSPH
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Minnesota Department of Labor and Industry (DLI) Labor Standards Unit Notice of Correction to Commercial Prevailing Wage Rates

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/24/12, for:

Labor Code 103, Laborer, Skilled (Assisting Skilled Craft Journeyman) in Anoka and Kanabec Counties.

Labor Code 104, Flag Person, in Cass County.

Labor Code 107, Pipelayer (Water, Sewer and Gas), in Cook County.

Labor Code 203, Special Equipment (201-204), in Anoka County.

Copies with the corrected certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner
Department of Labor and Industry

Minnesota Plumbing Board Notice of Final Interpretation on Flexible Piping and Water Distribution Systems

On February 11, 2013, the Minnesota Plumbing Board issued a Final Interpretation, which is printed below, pursuant to *Minnesota Statutes* §§ 326B.435, subdivision 2(a)(4), and 326B.127, subdivision 5. The submitter agreed that this Request for Interpretation would be heard by the Board at its January 15, 2013 meeting.

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Any person aggrieved by this Final Interpretation may appeal it by filing a petition for a writ of certiorari with the Minnesota Court of Appeals pursuant to *Minnesota Statutes* § 14.63.

As required by *Minnesota Statutes* § 326B.127, subd. 5, the Plumbing Board will consider this Final Interpretation for adoption as part of the Code. Questions may be directed to Patricia Munkel-Olson, **phone:** (651) 284-5128, **e-mail:** patricia.munkel-olson@state.mn.us. **TTY** users may call (651) 297-4198.

FINAL INTERPRETATION

Inquiry: PB0071
Subject: Flexible piping and water distribution systems
Code Reference: Minnesota Plumbing Code, Minnesota Rules Parts 4715.0520 and 4715.0330 (2011)
Submitted by: Mr. Ron Green
Brass Craft
39600 Orchard Hill Place
Novi, MI 48375-5331
Approved by: John Parizek, Board Chair
Date Received: November 20, 2012
Issue Date: February 11, 2013

Question One: Is a connection from the water supply to a water heater part of the water distribution system?

Answer: Yes.

Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to the question of whether a connection from the water supply to a water heater is part of the water distribution system. The Board determined that a cold water distribution branch ends at the point of connection to the water heater and the hot water distribution system begins at the point of connection to the water heater. Therefore the pipe connecting at these points is considered water distribution pipe and must be listed as an approved material under 4715.0520.

Question Two: Does a flexible pipe certified to ANSI/ASME A112.18.6 meet the requirements of *Minnesota Rules* part 4715.0520 for water distribution pipe?

Answer: No. *Minnesota Rules* part 4715.0520 does not list pipe certified to ANSI/ASME A112.18.6 for use as water distribution pipe.

Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to the question of whether flexible pipe certified to ANSI/ASME A112.18.6 meets the requirements of *Minnesota Rules* part 4715.0520 for water distribution pipe. The Board determined that *Minnesota Rules* part 4715.0520 does not list pipe certified to ANSI/ASME A112.18.6 as an approved material for use as water distribution pipe.

Question Three: Does the Minnesota Plumbing Code expressly prohibit flexible piping certified to ANSI/ASME A112.18.6?

Answer: No. The Minnesota Plumbing Code does not expressly prohibit flexible piping certified to ANSI/ASME A112.18.6.

Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to the question of whether the Minnesota Plumbing Code expressly prohibits flexible piping certified to ANSI/ASME A112.18.6. The Board determined that does not specifically list flexible piping certified to ANSI/ASME A112.18.6 as prohibited.

Question Four: May an administrative authority approve flexible piping certified to ANSI/ASME A112.18.6 for use as water distribution pipe pursuant to *Minnesota Rules* part 4715.0330?

Answer: Yes.

Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to the question of whether the Minnesota Plumbing Code authorizes an administrative authority to approve flexible piping certified to ANSI/

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ASME A112.18.6. The Board determined that an administrative authority may approve the use of materials consistent with the requirements of Minn. R. part 4715.0330, Subparts 1, 2 and 3. In this case, consideration should be given to 4715.3700, Subpart 8 to determine if friction loss through the material will adversely affect the distribution requirements.

Dated: 11 February 2013

John Parizek, Chair
Minnesota Plumbing Board

Minnesota Plumbing Board Notice of Final Interpretation on Single-wall Heat Exchangers

On February 11, 2013, the Minnesota Plumbing Board issued a Final Interpretation, which is printed below, pursuant to *Minnesota Statutes* §§ 326B.435, subdivision 2(a)(4), and 326B.127, subdivision 5. The submitter agreed that this Request for Interpretation would be heard by the Board at its January 15, 2013 meeting.

Any person aggrieved by this Final Interpretation may appeal it by filing a petition for a writ of certiorari with the Minnesota Court of Appeals pursuant to Minn. Stat. § 14.63.

As required by *Minnesota Statutes* § 326B.127, subd. 5, the Plumbing Board will consider this Final Interpretation for adoption as part of the Code. Questions may be directed to Patricia Munkel-Olson, **phone:** (651) 284-5128, **e-mail:** patricia.munkel-olson@state.mn.us. **TTY** users may call (651) 297-4198.

FINAL INTERPRETATION

Inquiry: PB0072
Subject: Single-wall heat exchangers
Code Reference: Minnesota Plumbing Code, Minnesota Rules Part 4715.1941 (2011)
Submitted by: Mr. Bill Cutter
Rep Rite Burk & Associates
2369 Waters Drive
Mendota Heights, MN 55120
Approved by: John Parizek, Board Chair
Date Received: December 19, 2012
Issue Date: February 11, 2013

Question One: Does the Minnesota Plumbing Code permit single-wall heat exchangers?

Answer: Yes. Pursuant to *Minnesota Rules* part 4715.1941 a single-wall heat exchanger may be used if it satisfies *all of the conditions specified* in subp. 3, items A – C.

The conditions specified in subp. 3 are:

A. The heat transfer medium contains only substances which are recognized as safe or approved by the United States Food and Drug Administration for food contact as listed in *Code of Federal Regulations*, title 21, part 182 of the Food Additive Regulations.

B. Except where steam is used as the heat transfer medium, the pressure of the heat transfer medium must be less than the normal minimum operating pressure of the potable water system, and the system must be fitted with devices arranged to function automatically to maintain the pressure of the heat transfer medium entering the exchanger at a level below that of the potable water leaving the exchanger.

C. The equipment is permanently labeled to specify all constituents of the heat transfer medium, to indicate that only additives recognized as safe by the United States Food and Drug Administration may be used, and to show the hazards and reasons for not using another type of medium.

Commentary: All parties present were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to the question of whether the Minnesota Plumbing Code permits single-wall heat exchangers. The Board determined that *Minnesota Rules* part 4715.1941, permits single-wall heat exchangers that meet the requirements of subpart 3 if all of the conditions specified in items A-C are satisfied. As a clarification to item B, the heat transfer medium pressure cannot exceed the normal minimum potable water pressure in the heat exchanger. In addition, the heat transfer medium pressure must at all times be maintained at a pressure lower than the potable water pressure existing in the heat exchanger.

Dated: 11 February 2013

John Parizek, Chair
Minnesota Plumbing Board

Minnesota Public Utilities Commission (PUC) REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, *Minnesota Rules* Chapter 7829, Excluding part 7829.2550, which is Subject to a Separate Pending Rulemaking

Subject of Rule. The Minnesota Public Utilities Commission requests comments on its possible amendments to the rule chapter governing Utility Proceeding, Practice, and Procedure. The Commission is considering rule amendments that update the rules to eliminate outdated rule language, to address statutory changes, to clarify existing Commission procedures, and to establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions.

Persons Affected. The amendments to the rules would likely affect all Commission proceeding parties and participants.

Statutory Authority. *Minnesota Statutes*, section 216A.05, subdivision 1, authorizes the Commission to adopt rules with respect to the control and conduct of the business coming within the Commission's jurisdiction.

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on April 8, 2013. The Commission has prepared a draft of the possible rule amendments, which is attached. Please refer to PUC Docket No. U-999/R-13-24 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Advisory Committee. The Commission has not determined whether to appoint an advisory committee to comment on the possible amendments. The Commission welcomes comments that address whether to appoint an advisory committee.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the possible amendments, and requests for more information on the possible amendments should be addressed to: Christopher Moseng, Staff Attorney, Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota, 55101-2147; **telephone:** (651) 201-2223, **fax:** (651) 297-7073; and **e-mail:** christopher-moseng@state.mn.us. Persons with hearing loss or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.

Comments submitted in response to this notice may not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Working Draft. The Commission's current working draft of the possible amendments is set forth below.

7829.0100 DEFINITIONS.

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

Subp. 2. **Classification petition.** "Classification petition" means a petition filed by a telephone company to classify a telephone service as subject to emerging or effective competition under *Minnesota Statutes*, section 237.59.

Subp. 3. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 4. **Complainant.** "Complainant" means a person who complains formally or informally of an alleged violation of a statute or

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rule within the commission's jurisdiction, a utility tariff, or a commission order.

~~Subp. 5. **Cost increase filing.** "Cost increase filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, proposing a rate increase for a particular telephone service on grounds that the actual costs of providing that particular service have increased. It does not include cost increases that are part of overall cost increases and cost increases that have been discovered as a result of new cost studies.~~

Subp. ~~65~~. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. ~~76~~. **Expedited proceeding.** "Expedited proceeding" means an informal proceeding described in *Minnesota Statutes*, section 237.61, and subject to specific procedural requirements such as verification of pleadings.

Subp. ~~87~~. **Informal proceeding.** "Informal proceeding" means a proceeding that addresses and resolves issues of public policy, fact, or law without a formal contested case proceeding before the Office of Administrative Hearings.

Subp. ~~98~~. **Intervenor.** "Intervenor" means a person permitted to intervene as a party in a proceeding under this chapter.

~~Subp. 10. **Language change filing.** "Language change filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, changing descriptive language in a telephone utility tariff without changing the meaning or operation of the tariff.~~

~~Subp. 11. **Miscellaneous tariff filing.** "Miscellaneous tariff filing" means a request or notice that does not require determination of the utility's revenue requirement.~~

A miscellaneous ~~tariff~~ filing includes a filing involving a new service offering; a change in a utility's rates, services, terms, or conditions of service; a change in a utility's corporate structure, assigned service area, or capital structure, when conducted separately from a general rate proceeding; filings made under the rules governing automatic adjustment of charges (*Minnesota Rules* 7825.2390 – 2850); or any related matter. ~~The term also includes a language change filing, cost increase filing, and rate reduction filing.~~

The inclusion of a particular type of filing in this list does not require a filing that would not otherwise be required or confer jurisdiction that would not otherwise be present.

Subp. ~~10~~. **Motion filing.** "Motion filing" means a written request for specific commission action by a party within the context of an ongoing proceeding. This does not include recommendations for action made in comments authorized by part 7829.1400, nor motions made during a proceeding before an administrative law judge.

Subp. ~~11~~. **Municipality.** "Municipality" includes a town, statutory city, and home rule charter city.

Subp. ~~12~~. **Participant.** "Participant" means a person who files comments or appears in a proceeding, other than public hearings held in contested cases and other commission proceedings conducted to receive general public comments, to present views without becoming a party.

Subp. ~~13~~. **Party.** "Party" means a person by or against whom a proceeding before the commission is commenced or a person permitted to intervene in a proceeding under this chapter. A party to a proceeding is styled a "petitioner," "complainant," "intervenor," or "respondent," according to the nature of the proceeding and the relationship of the party to the proceeding.

Subp. ~~14~~. **Person.** "Person" means a natural person, corporation, municipal corporation, public corporation, utility, governmental entity, government agency, association, partnership, receiver, joint venture, trustee at common law or statutory trust guardian, or executor.

Subp. ~~15~~. **Petitioner.** "Petitioner" means a person who requests the commission's permission, authorization, or approval or a person who notifies the commission of a proposed change in a rate, service, or term or condition of service.

Subp. ~~17~~. **Price list filing.** "Price list filing" means a filing under *Minnesota Statutes*, section 237.60, pertaining to telephone services claimed to be subject to emerging or effective competition.

Subp. ~~18~~. **Proceeding.** "Proceeding" means a formal or informal undertaking of the commission, in which it seeks to resolve a question or issue taken up on its own motion or presented to it in a complaint, petition, or notice of a proposed change in a rate, service, or term or condition of service.

Subp. ~~19~~. **Proof of service.** "Proof of service" means a certificate of service stating the facts of service, including the time and manner of service and the parties served.

Subp. ~~18~~. **Protected data.** "Protected data" means data filed with the commission that is either

- a. properly identified as nonpublic data under the Minnesota Government Data Practices Act, *Minnesota Statutes* 13.37, or
- b. data that is protected from disclosure pursuant to the rules of privilege recognized by law.

Subp. ~~20~~. **Rate reduction filing.** "Rate reduction filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, proposing a reduction in a rate for telephone service.

Subp. ~~21~~. **Respondent.** "Respondent" means a person against whom a complaint is filed or against whom an investigation or other proceeding on commission motion is addressed.

Subp. ~~22~~. **Suspend.** "Suspend" means to hold in abeyance or to delay the effective date of.

Subp. ~~23~~. **Utility.** "Utility" means a gas, electric, or telecommunications service provider~~telephone company~~ subject to the jurisdiction of the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116; L 2001 1Sp4 art 6 s 1

Posted: August 21, 2007

7829.0200 SCOPE AND CONSTRUCTION.

Subpart 1. **Construction.** This chapter must be construed to secure the just, speedy, and economical determination of issues before the commission. This chapter must be construed in light of the commission's statutory authority and responsibilities.

Subp. 2. **Conflicting statutes and substantive rules to control.** This chapter governs practice and procedure in matters before the commission except when a statute or a rule on a specific topic contains procedural requirements in direct conflict with this chapter. Then, the statute or rule on a specific topic controls insofar as it is in direct conflict with this chapter.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0300 COMPUTATION OF TIME.

In computing a period of time prescribed by this chapter, the commission shall exclude the first and include the last day of the designated period of time. When the last day of the time period falls on Saturday, Sunday, or a legal holiday, that day must be omitted from the computation.

Statutory Authority:

Minnesota Statutes, Sec 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0400 SERVICE AND FILING REQUIREMENTS.

Subpart 1. **Filing.** ~~Documents are filed with the commission when they are received in the commission offices during regular business hours. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary. Documents must be directed to the attention of the executive secretary.~~

Documents must be filed in a manner consistent with the electronic filing requirements of *Minnesota Statutes, section 216.17, subdivision 3.* Documents must be directed to the attention of the executive secretary. Documents are filed with the commission

a) when submitted, if submitted and accepted into the commission's electronic filing system, or

b) when received in the commission offices during regular business hours, if not filed electronically. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary.

Subp. 2. **Number of copies.** ~~Parties and participants shall file an original and 15 copies of each document filed with the commission, unless otherwise directed by the executive secretary.~~

Subp. 32. **Proof of service.** Filings must be accompanied by proof of service on the persons on the appropriate service list.

Subp. 43. **Format.** Filings must identify the nature of the filing as briefly as possible, for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and docket number of the matter. ~~FPaper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown. Electronic filings must be submitted in a text-searchable format—scanned documents must include optical character recognition data.~~

Subp. 54. **Service.** A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Service may be accomplished by first class mail, ~~or by delivery in person, or electronically upon recipients who have consented to electronic service as provided in *Minnesota Statutes, section 216.17, subdivision 4,* unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. Service on the department is complete upon receipt by the department. For all other persons, unless the executive secretary directs otherwise for specific documents, electronic service is complete upon completed electronic transmission of the document; service by mail or facsimile transmission plus mail is complete upon mailing. ~~unless the executive secretary directs otherwise for specific documents.~~ When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.~~

Subp. 65. **Proceeding before administrative law judge.** During the time that a matter is before an administrative law judge, service and filing requirements are controlled by the rules of the Office of Administrative Hearings and by any orders issued under those rules by the administrative law judge.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

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History: 19 SR 116

Posted: August 21, 2007

7829.0411 REPRESENTATIONS TO THE COMMISSION.

Any person who signs a filing or enters an appearance at a commission meeting, by doing so, represents that he or she is authorized to do so and has a good faith belief that statements of fact made are true and correct, and that legal assertions made are warranted by existing law or by a reasonable extension or reversal of existing law.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

7829.0420 MOTION FILINGS.

Subpart. 1. **Form and content.** Parties to a proceeding making motion filings shall make them in writing, shall state the grounds for the motion, and shall set forth the requested commission action. Parties shall serve motion filings on the persons listed on the official service list and file them consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3. Parties shall as a part of their motion filing advise other parties that if they wish to oppose the motion they must file and serve on the same list of persons a written response within ten days. The commission will consider only motion filings signed by a party or the party's attorney or authorized representative.

Subp. 2. **Responses.** Parties responding to motion filings shall serve their responses on the persons listed on the official service list and file them consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3, within ten days of service of the motion filing.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

7829.0500 ~~TRADE SECRET AND PROPRIETARY INFORMATION PROTECTED DATA.~~

Subpart 1. **Confidentiality protected.** Nothing in this chapter requires the public disclosure of privileged proprietary information, trade secrets, or other privileged information.

Subp. 2. **Procedure for excision.** Persons filing documents containing ~~proprietary information, trade-protected data~~ or other privileged information shall file one copy of the document with the information redacted, and one copy without redactions, designated as required in subpart 4 and identified as a nonpublic document during the electronic submission process. ~~excise this information in all copies but the original and six copies.~~ The first page or cover page of a document from which protected information has been excised must be clearly captioned in bold print "PUBLIC DOCUMENT—NONPUBLIC (or PRIVILEGED) DATA HAS BEEN EXCISED. The beginning and end of the excised protected data must be identified.

Subp. 3. **Identification of excised material.** When a person classifies an entire document, or a substantial part of a document, as protected ~~information~~data, the person shall file a description of the excised material that includes at least the following information: the nature of the material, its authors, its general import, and the date on which it was prepared.

Subp. 4. **Document containing protected information.** The first page or cover page of a document containing protected ~~information~~data must be clearly marked in bold print "~~TRADE SECRET INFORMATION NONPUBLIC DOCUMENT~~ — NOT FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected information appears must be similarly marked and the protected information must be underlined, placed in brackets, or otherwise clearly identified as the information which is to be protected from disclosure.

Subp. 5. **Statement required.** In all cases where a person or entity files data with the commission that is identified as non-public or privileged, an accompanying statement justifying the state agencies treating the data as protected data must also be filed. This justification must include an explanation of how the data either is classified as non-public under Minnesota Statutes section 13.37, or is privileged under a rule of privilege recognized by law.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0600 GENERAL SERVICE LIST.

Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of filings and who are qualified to intervene under part 7829.0800 shall file with the utility a written list of the types of filings they wish to receive. The utility shall maintain general service lists of persons who have filed these requests. The utility shall add to each list the persons who intervened in its last general rate case and persons on the official service list for its last filing of the same type.

Subp. 2. **Annual updating.** The utility may delete from its general service list a person who fails to respond within 30 days to an annual mailing inquiring whether that person wishes to continue receiving the filings requested.

Subp. 3. **Periodic addition.** A person may be added to the utility's general service list at any time by filing a request under subpart 1, even if the person failed to respond to an annual mailing as described in subpart 2.

Subp. 4. **Jurisdiction unaffected.** The service lists established in this part are intended to provide the earliest possible notice to persons who may be interested in a particular filing. The requirements of this part do not displace or add to legal notice requirements, and a utility's failure to comply with this part does not deprive the commission of jurisdiction over a matter of which it would otherwise have jurisdiction, require dismissal of a filing, or invalidate any determination made by the commission in the matter.

Subp. 5. **Party or participant status unaffected.** Inclusion on a general service list does not confer party or participant status on persons included on the list.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.0700 OFFICIAL SERVICE LIST.

Subpart 1. **Content.** The official service list for each proceeding consists of the names of the parties and the names of participants who have filed a written request for inclusion on the service list with the executive secretary.

Subp. 2. **Establishment and updating.**

The commission shall establish the official service list at the conclusion of the initial comment period and shall mail a copy of the list to the parties and to participants who have filed written requests for inclusion. A list established before commission action on a petition for intervention must include those persons whose intervention petitions are pending. The commission shall mail an updated official service list to the parties and participants if the official service list is later expanded or reduced. The commission need not mail the official service list in proceedings when the only parties are the department and a petitioner, complainant, or respondent. The commission may provide the official service list electronically rather than by mail to those who have consented to electronic service as provided in *Minnesota Statutes, section 216.17, subdivision 4.*

Subp. 3. **Limiting service list.** On its own motion or at the request of a party, the commission shall limit the service list to parties to the proceeding if it finds that requiring service on participants is unduly burdensome.

Subp. 4. **Name and address change.** A party or participant who wishes to change the name or address of a person receiving service on behalf of the party or participant shall provide written notice of the change to the executive secretary and to persons on the official service list.

Subp. 5. **Proceeding before administrative law judge.** In proceedings before an administrative law judge in which the judge establishes a service list, the names on that service list must remain on the official service list for the remainder of the proceeding.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.0800 PETITION TO INTERVENE.

Subpart 1. **Filing and service.** A person who desires to become a party to a proceeding shall file a petition to intervene within the time set in this chapter. The petition must be served on known parties and those persons on the utility's general service list for the matter, if applicable.

Subp. 2. **Grounds for intervention.** The petition must allege the grounds for intervention and must be granted upon a showing that: the person is specifically considered by statute to be interested in the particular type of matter at issue; the person is specifically declared by statute to be an interested party; or the outcome of the proceeding will bind or affect the person with respect to an interest peculiar to that person, as distinguished from an interest common to the public or other ratepayers in general, or the person's interests are not adequately represented by one or more other parties participating in the case.

Subp. 3. **Intervention as of right.** The department and the Office of the Attorney General, through its Residential Utilities Division, may intervene as of right in any proceeding before the commission. They become parties upon filing comments under this chapter and need not file petitions to intervene, except when the rules of the Office of Administrative Hearings require it.

Subp. 4. **Objection to intervention.** An objection to intervention must be filed within ten days of service of the petition to intervene.

Subp. 5. **Disposition of petition.** If there is no objection to intervention and a petition to intervene is not denied or suspended within 15 days of filing, the petition to intervene must be considered granted, unless the matter is referred to the Office of Administrative Hearings for contested case proceedings before the expiration of the 15-day period.

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Subp. 6. **Proceeding before administrative law judge.** During the time that a matter is before an administrative law judge, intervention procedures are governed by the rules of the Office of Administrative Hearings and by orders issued under those rules by the administrative law judge.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.0900 PARTICIPANT.

A person may file comments in a proceeding before the commission without requesting or obtaining party status. A participant may also be granted an opportunity for oral presentations.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1000 REFERRAL FOR CONTESTED CASE PROCEEDING.

If a proceeding involves contested material facts and there is a right to a hearing under statute or rule, or if the commission finds that all significant issues have not been resolved to its satisfaction, the commission shall refer the matter to the Office of Administrative Hearings for contested case proceedings, unless:

A. all parties waive their rights to contested case proceedings and instead request informal or expedited proceedings, and the commission finds that informal or expedited proceedings would be in the public interest; or

B. a different procedural treatment is required by statute.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1100 PUBLIC HEARING.

When a public hearing is held in connection with a contested case proceeding, the commission shall, whenever possible, schedule the public hearing to be held before the evidentiary hearings.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1200 INFORMAL OR EXPEDITED PROCEEDING.

Subpart 1. **When appropriate.** Informal or expedited proceedings may be used when contested case proceedings are not required, for example, when:

A. there are no material facts in dispute;

B. the parties and the commission have agreed to informal or expedited proceedings; or

C. informal or expedited proceedings are authorized or required by statute.

Subp. 2. **Presentation of facts.** Written submissions are the preferred method of introducing facts. The commission shall allow oral presentation of facts when that can be done without compromising the rights of any person or the integrity of the proceeding. In informal proceedings, the commission shall require that factual allegations be made under oath or by affirmation when facts appear to be in dispute. In expedited proceedings, the commission shall require that factual allegations be made under oath or by affirmation and that documents filed in the proceeding be verified.

Subp. 3. **Notice.** The commission shall notify the persons on the official service list at least ten days before a meeting at which it may act on the basis of informal or expedited proceedings. Under exigent circumstances the executive secretary shall reduce the ten-day notice period.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1250 UNCONTESTED PROCEEDING SUBCOMMITTEE

Subpart 1. **Consent calendar subcommittee.** The commission may refer filings to a subcommittee for disposition as authorized by Minnesota Statutes, section 216A.03, subdivision 8, when

- a) the proceeding involves no disputed or novel issues, and
- b) no person has requested that the proceeding not be delegated to a subcommittee.

Subp. 2. **Other subcommittees.** This part is not intended to limit the circumstances under which the commission may delegate functions to a subcommittee.

Statutory Authority:

Minnesota Statutes, Sec. 216A.03

7829.1300 MISCELLANEOUS TARIFF AND PRICE LIST FILINGS.

Subpart 1. **Summary.** A miscellaneous ~~tariff filing and price list filing~~ must include, on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** The filing utility shall serve copies of each miscellaneous ~~tariff filing~~ on which commission action is required within 60 days, ~~and each price list filing increasing the price of a competitive service,~~ on the persons on the applicable general service list, on the department, and on the Residential Utilities Division of the Office of the Attorney General. For other filings, the utility may serve the summary described in subpart 1 on persons on the applicable general service list. The utility shall serve with the filing or the summary a copy of its general service list for the filing.

Subp. 3. **Content of filing subject to specific requirements.** In addition to complying with specific requirements imposed by statute or rule, miscellaneous ~~tariff and price~~ filings subject to specific filing rules must contain at least the following information:

- A. the name, address, and telephone number of the utility, without abbreviation;
- B. the name, address, electronic address, and telephone number of the attorney for the utility, if the utility is using an attorney;
- C. the date of the filing and the date the proposed rate or service change will go into effect;
- D. the statute that the utility believes controls the time frame for processing the filing; and
- E. the signature, electronic address, and title of the utility employee responsible for the filing.

Subp. 4. **Content of filing not subject to specific filing rules.** In addition to complying with any specific requirements imposed by statute, miscellaneous ~~tariff and price list~~ filings not subject to specific filing rules must contain at least the following information:

- A. the name, address, and telephone number of the utility, without abbreviation;
- B. the name, address, electronic address, and telephone number of the attorney for the utility, if the utility is using an attorney;
- C. the date of the filing and the date the proposed rate or service change will go into effect;
- D. the statute that the utility believes controls the time frame for processing the filing;
- E. the signature, electronic address and title of the utility employee responsible for the filing; and
- F. a description of the filing, its impact on rates and services, its impact on the utility and affected ratepayers, and the reasons for the filing.

Subp. 5. **Rejection of filing.** The commission shall reject a filing found to be substantially out of compliance with this chapter or applicable statutory requirements.

Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities shall file a compliance filing within 10 days of a commission order requiring it.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1400 MISCELLANEOUS TARIFF, PRICE LIST FILING; COMMENTS.

Subpart 1. **Initial comments.** A person wishing to comment on a miscellaneous ~~tariff or price list~~ filing shall do so within 30 days of its filing with the commission. ~~A person wishing to comment on one of the following noncompetitive rate change filings shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost increase filing, or a request for a significant change in a condition of telephone service.~~ A person wishing to comment on a new telephone service, competitive or noncompetitive, shall do so within ten days of its filing with the commission. Comments must be served on the persons on the utility's general service list for the filing, as well as on the filing utility.

Subp. 2. **Petition to intervene.** If a person who files initial or reply comments is not entitled to intervene in commission proceedings as of right and desires full party status, the person shall file a petition to intervene before the initial or reply comment period expires. The intervention petition may be combined with the comments on the filing.

Subp. 3. **Comments to include procedural recommendation.** A person commenting on a miscellaneous ~~tariff or price list~~ filing and

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recommending its rejection, denial, or modification shall specify whether the person believes the filing requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the person's reasons for recommending a particular procedural treatment.

Subp. 4. **Reply comments.** The utility and other persons have ten days from the expiration of the original comment period to file reply comments. Reply comments must be served on the utility and persons who have filed comments on the miscellaneous ~~tariff~~ filing. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 5. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 6. **Comments on supplemental or corrected filings.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 7. **Comment periods varied.** Except for comment periods set by statute, the commission may vary the comment periods set by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Subp. 8. **Comment periods extended at department's request.** At the request of the department, the commission shall extend the comment periods in parts 7829.1300 and 7829.1400 up to an additional 30 days, except for comment periods established by statute and except when the commission must act within 60 days to prevent proposed rate changes from going into effect.

Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial comments requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing, the commission shall immediately set the matter for consideration on a date after the time period for reply comments has run. If the commission finds a contested case proceeding is required, the commission shall refer the matter to the Office of Administrative Hearings pursuant to part 7829.1000, and the utility shall file its direct testimony in question and answer form within 20 days of the commission's notice and order for hearing.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1500 INFORMAL COMPLAINT.

Persons engaged in disputes with utilities may submit informal complaints by letter or other writing, by telephone, or in person. Commission staff shall accept these complaints and shall prepare a memorandum setting forth the substance of each complaint and identifying the customer, the service address, and the utility.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1600 TREATMENT OF INFORMAL COMPLAINT.

Commission staff shall try to help resolve informal complaints by correspondence, mediation, arbitration, and other informal means. If the complainant desires formal action by the commission, a formal complaint must be initiated by the commission, or filed by a qualified complainant.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1700 FORMAL COMPLAINT.

Subpart 1. **Content.** A formal complaint must include the following information: the name and address of the complainant; the name and address of complainant's counsel, if any; the name and address of respondent; the name and address of respondent's counsel, if known; the statute, rule, tariff, or commission order alleged to have been violated; the facts constituting the alleged violation; and the relief sought by complainant.

Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent, the department, and the Residential Utilities Division of the Office of the Attorney General, as well as filed with the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.

Subpart 1. **Initial commission review.** The commission shall review a formal complaint as soon as practicable to determine whether the commission has jurisdiction over the matter and to determine whether there are reasonable grounds to investigate the allegation. On concluding that it lacks jurisdiction or that there is no reasonable basis to investigate the matter, the commission shall dismiss the complaint.

Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to file an answer either stating that it has granted the relief the complainant requests, or responding to the allegations of the complaint. The answer must be filed with the commission and served on the complainant, the department, and the Residential Utilities Division of the Office of the Attorney General within 20 days of service of the complaint and order.

Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent has granted the relief sought by complainant. In that case, the complainant shall file a reply within 20 days admitting or denying that relief has been granted. If the complainant fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must be served on respondents, the department, and the Residential Utilities Division of the Office of the Attorney General.

Subp. 4. **Failure to answer.** If the respondent fails to answer a complaint served by the commission under subpart 2, the commission shall consider the allegations of the complaint denied.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT.

Subpart 1. **Nature of proceedings.** The commission shall deal with a formal complaint through a contested case proceeding, informal proceeding, or expedited proceeding.

Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint shall do so within 30 days of the date of a commission order requiring an answer to the complaint. Comments must be served on the complainant, respondent, department, Residential Utilities Division of the Office of the Attorney General, and any other known parties.

Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments and must be served on the complainant, respondent, department, Residential Utilities Division Of the Office of the Attorney General, and any other known parties.

Subp. 4. **Petition to intervene.** If a person who files initial or reply comments is not entitled to intervene in commission proceedings as of right and desires full party status, the person shall file a petition to intervene before the initial or reply comment period expires. The intervention petition may be combined with the comments on the complaint.

Subp. 5. **Comments to include procedural recommendation.** A person commenting on a complaint shall specify whether the person believes the matter requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the reasons for recommending a particular procedural treatment.

Subp. 6. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 7. **Comments on supplemental or corrected filings.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 8. **Comment periods varied.** Except for time periods set by statute, the commission may vary the comment periods established in this part at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Subp. 9. **Comment periods extended at department's request.** At the request of the department, the commission shall extend the comment periods established in this part up to an additional 30 days, except for comment periods set by statute.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.2000 ELECTRIC SERVICE AREA COMPLAINT.

Subpart 1. **Content.** A complaint alleging violation of an electric utility's assigned service area must include a map that the complainant

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reasonably believes to be a copy of the official service area map of an area at issue, with the area of the alleged violation clearly marked.

Subp. 2. **Service and filing.** A service area complaint must be served on the respondent, department, and Residential Utilities Division of the Office of the Attorney General, as well as filed with the commission.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT.

Subpart 1. **Answer.** Within ten days of service of a service area complaint, a respondent shall file an answer with the commission and serve it on the complainant, department, and Residential Utilities Division of the Office of the Attorney General.

Subp. 2. **Initial comments.** A person wishing to comment on a service area complaint shall do so within ten days of the date the person was served. Comments must be served on the complainant, respondent, department, Residential Utilities Division of the Office of the Attorney General, and any other known parties.

Subp. 3. **Petition to intervene.** If a person who files comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the initial comment period expires. The intervention petition may be combined with the comments on the complaint and must be served on those persons entitled to service of the comments.

Subp. 4. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 5. **Comments on supplemental or corrected filing.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 6. **Time for disposition.** Service area complaints must come before the commission within 15 days of filing. The commission shall issue its order within 30 days after the hearing.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.2200

[Repealed, [26 SR 1438](#)]

Posted: August 21, 2007

7829.2300 CLASSIFICATION PETITION.

Subpart 1. **Summary.** A telephone utility filing a classification petition under *Minnesota Statutes*, section [237.59](#), shall include on a separate page a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the petition on the department and Residential Utilities Division of the Office of the Attorney General. The utility shall serve the petition or the summary described in subpart 1 on those persons on the applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the form or completeness of a classification petition shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 4. **Rejection of filings.** The commission shall reject a classification petition found to be substantially out of compliance with *Minnesota Statutes*, section [237.59](#), or with any other filing requirement imposed by rule or statute. A filing under this section not rejected within 45 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 5. **Initial comments.** A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the utility, department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 6. **Petition to intervene.** If a person who files initial comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the reply comment period expires. The intervention petition may be combined with comments on the filing and must be served on those persons entitled to receive service during the comment

period when the intervention petition is filed.

Subp. 7. **Reply comments.** Commenting parties have ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments. Reply comments must be served on the utility and on those persons who have filed initial comments.

Subp. 8. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 9. **Comments on supplemental or corrected filing.** The commission shall provide opportunity for other parties to respond to a supplemental or corrected filing when the filing raises new issues.

Subp. 10. **Nature of proceeding.** The commission shall deal with a classification petition by conducting an expedited proceeding under *Minnesota Statutes*, section 237.61, or by referring the matter for a contested case proceeding.

Subp. 11. **Time frame for disposition; expedited proceeding.** When the filing utility requests an expedited proceeding on its classification petition, the commission shall take final action within 60 days of the date on which the utility provides the substantive information required by statute, unless the commission finds at least one issue of material fact in dispute and refers the matter for a contested case proceeding within the same 60-day period.

Subp. 12. **Time frame for disposition; contested case proceeding.** When the commission conducts a contested case proceeding, it shall take final action within eight months of the utility's request for a contested case proceeding or the commission's order that contested case proceedings be held, whichever occurs earlier.

Subp. 13. **Extending disposition period.** The commission may extend the eight-month time frame set forth in subpart 12 with the agreement of all parties or upon a finding that the case cannot be completed within the required time and that there is a substantial probability that the public interest would be harmed by enforcing the eight-month time frame.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.

Subpart 1. **Summary.** A utility filing a general rate case or other filing that requires determination of its gross revenue requirement shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of the filing on the department and Residential Utilities Division of the office of the Attorney General. The utility shall serve the filing or the summary described in subpart 1 on the persons on the applicable general service list and persons who were parties to its last general rate case or incentive plan proceeding.

Subp. 3. **Notice to public and governing bodies.** A utility seeking a general rate change shall give notice of the proposed change to the governing body of each municipality and county in its service area and to its ratepayers. The utility shall also publish notice of the proposed change in newspapers of general circulation in all county seats in its service area.

Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the form or completeness of a general rate case filing shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, section 216B.16 or 237.075, or other requirement imposed by rule, statute, or previous commission order. A filing under this part not rejected within 60 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 6. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings control intervention rights.

Subp. 7. **Notice of hearing.** The utility shall notify its ratepayers of hearings held in connection with its rate change request in the manner directed by the commission. The utility shall publish notice of hearings on its rate change request in newspapers of general circulation in all county seats in its service area, as directed by the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

Official Notices

7829.2500 CERTIFICATE OF NEED FILING.

Subpart 1. **Compliance.** Certificate of need applications must comply with the requirements of *Minnesota Statutes*, sections [216B.2421](#) and [216B.243](#); *Minnesota Rules*, chapters 7851, 7853, and 7855, and parts [7849.0010](#) to [7849.0400](#); and any other requirements imposed by rule or statute.

Subp. 2. **Summary.** A person filing a certificate of need application shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on the department and Residential Utilities Division of the Office of the Attorney General. The applicant shall serve the filing or the summary described in subpart 2 on those persons on an applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 4. **Publication in State Register.** The commission shall publish notice of the certificate of need filing in the *State Register* and shall solicit public comment on the application.

Subp. 5. **Publication in newspapers.** The applicant shall publish notice of the filing in newspapers of general circulation throughout the state.

Subp. 6. **Solicitation of comments on filing compliance.** The commission shall request comments on the filing's compliance with *Minnesota Statutes*, sections [216B.2421](#) to [216B.243](#), and *Minnesota Rules*, chapters 7851, 7853, and 7855, and parts [7849.0010](#) to [7849.0400](#), when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, sections [216B.2421](#) to [216B.243](#); *Minnesota Rules*, chapters 7851, 7853, and 7855, and parts [7849.0010](#) to [7849.0400](#); and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part [7829.1200](#), subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings shall control intervention rights.

Subp. 9. **Public hearing.** If the commission decides to act on the application through an informal proceeding, the commission shall hold a public hearing designed to encourage members of the public to express their views on the application, as required under *Minnesota Statutes*, section [216B.243](#), subdivision 4. If the commission refers the application to the Office of Administrative Hearings for a contested case proceeding, the commission shall ensure that at least one public hearing is held.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.2550 NOTICE PLANS WHEN SEEKING CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINES.

[This part is subject to the rulemaking proceeding in Commission Docket No. 12-1246, and not within the scope of this rulemaking proceeding.]

7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.

Subpart 1. **Filings required, service requirements.** At least three months before filing a certificate of need application for any pipeline under chapter 7851, 7853, or 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

- A. the Office of Energy Security of the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General; and
- C. the Army Corps of Engineers.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on proposed notice plans must be filed within 20 days of the date of filing. Reply comments must be filed within 20 days of the expiration of the initial comment period. Applicants shall include with the proposed notice plan a clear and conspicuous notice of these comment periods.

Subp. 3. **Types of notice.** Proposed notice plans must include notice to the following persons by the method specified:

- A. direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed pipeline;
- B. direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed pipeline;
- C. direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed pipeline; and
- D. newspaper notice to members of the public in areas reasonably likely to be affected by the proposed pipeline.

Subp. 4. **Notice content.** Proposed notice plans must provide notice recipients with the following information:

- A. a map showing the end points of the pipeline and existing related pipelines and related facilities in the area;
- B. a description of general right-of-way requirements for a pipeline of the size and type proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed pipeline will require;
- C. a notice that the pipeline cannot be constructed unless the commission certifies that it is needed;
- D. the commission's mailing address, telephone number, and Web site;
- E. a brief explanation of how to get on the mailing list for the commission's proceeding; and
- F. a statement that requests for certification of pipelines are governed by Minnesota law, including specifically chapters 7851, 7853, and 7855 and *Minnesota Statutes*, section 216B.243.

Subp. 5. **Supplementary notice.** The commission shall require supplementary notice to persons reasonably likely to be affected by route alternatives developed in the course of certification proceedings if it appears that those route alternatives are as likely to be certified as the proposed pipeline.

Subp. 6. **Notice time frames.** The applicant shall implement the proposed notice plan within 30 days of its approval by the commission.

Subp. 7. **Good faith sufficient.** The commission shall not deny a request for certification of a pipeline on grounds of defective notice if the applicant acted in good faith, in substantial compliance with the notice requirements of this part, and in substantial compliance with any commission orders issued under this part.

Subp. 8. **Compliance filing.** The applicant shall submit a compliance filing within 60 days from the date of implementation of the approved notice plan. The filing must include a copy of the notice and a service list that includes the names and addresses of those persons to whom the notice was sent.

Statutory Authority:

Minnesota Statutes, Sec.216A.05; 216A.08

History: 35 SR 1530

Posted: April 13, 2011

7829.2600 STAFF COMMENTS.

Written comments on a filing by commission staff must be made available to those persons on the service list at the same time they are provided to the commission. If commission staff recommend action not advocated by any party, all parties must be granted oral comment at the request of any party.

Statutory Authority:

Minnesota Statutes, Sec.216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.

Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject to statutory deadlines, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing. In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

Subp. 2. **Replies to exceptions.** Except in cases subject to statutory deadlines, a party shall file and serve on all other parties any replies to exceptions within ten days of the due date for exceptions. In cases subject to statutory deadlines, replies are not permitted.

Subp. 3. **Oral argument.** Parties must be granted an opportunity for oral argument before the commission as required under *Minnesota Statutes*, section 14.61.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2800 GENERAL NOTICE REQUIREMENT.

Matters may come before the commission only on ten days notice to the parties and those persons on the official service list. Under exigent circumstances the executive secretary shall reduce the ten-day notice period.

Statutory Authority:

Minnesota Statutes, Sec.216A.05

History: 19 SR 116

Posted: August 21, 2007

Official Notices

7829.2900 DECISION AND ORDER.

The executive secretary shall serve a decision and order of the commission on all parties and participants in the proceeding on the official service list.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.3000 PETITION AFTER COMMISSION DECISION.

Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary.

Subp. 2. **Content of request.** A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon or errors claimed. A request for amendment must set forth the specific amendments desired and the reasons for the amendments.

Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration, or reargument, and an answer, reply, or comment, must be served on the parties and participants in the proceeding to which they relate.

Subp. 4. **Answers.** Other parties to the proceeding shall file answers to a petition for rehearing, amendment, vacation, reconsideration, or reargument within ten days of service of the petition.

Subp. 5. **Replies.** Replies are not permitted unless specifically authorized by the commission.

Subp. 6. **Commission action.** The commission shall decide a petition for rehearing, amendment, vacation, reconsideration, or reargument with or without a hearing or oral argument. The commission may vacate or stay the order, or part of the order, that is the subject of the petition, pending action on the petition.

Subp. 7. **Second petition not entertained.** A second petition for rehearing, amendment, vacation, reconsideration, or reargument of a commission decision or order by the same party or parties and upon the same grounds as a former petition that has been considered and denied, will not be entertained.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.3100 TIME PERIODS

Except for time periods set by statute, the commission may vary the time periods established by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.3150 UNTIMELY FILINGS.

Subpart 1. **When filings may be excluded.** On its own motion or at the request of any party or participant, the commission may exclude from the record a document not filed within a time period established by rule or commission order if the commission determines that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest.

Subp. 2. **Required statement.** A person filing a document not within a time period established by rule, notice, order, or statute shall include a statement explaining why the filing was untimely and why it should be considered by the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

7829.3200 OTHER VARIANCES.

Subpart 1. **When granted.** The commission shall grant a variance to its rules when it determines that the following requirements are met:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and

C. granting the variance would not conflict with standards imposed by law.

Subp. 2. **Conditions.** A variance may be granted contingent upon compliance with conditions imposed by the commission.

Subp. 3. **Duration.** Unless the commission orders otherwise, variances automatically expire in one year. They may be revoked sooner due to changes in circumstances or due to failure to comply with requirements imposed as a condition of receiving a variance.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

Minnesota Department of Transportation (Mn/DOT) Notice of Public Meeting for the Disposition of Rail Bank Property in Stearns County

The State of Minnesota, acting through its commissioner of transportation, has ownership of the rail bank corridor, and is proposing a cash sale of a 50 foot strip of rail bank property to the City of Albany. The total corridor width is currently 150 feet. This notice is published pursuant to *Minnesota Statutes* 222.63, subd. 3, and *Minnesota Rules* 8830.5820 and 8830.5840.

The 50 foot strip of the rail line proposed for sale to the city is 0.1 miles long and has 39,607 square feet. It is located in Albany, Stearns County. The line with tracks removed was acquired from the Burlington Northern Railroad in 1994.

The city requested the State to sell a strip of rail bank for economic development in the city. The State plans no conditions on the sale to the city. The consideration for the sale will be \$ 32,700.00.

After sale of the rail bank strip to the city, the city plans to combine the rail bank sale parcel and former antique store parcel. This then would create a larger parcel for the city's use. There would be no conditions from the state to the city to preclude the sale of the larger tract to a developer.

The State is reviewing the need for the sale and soliciting comments to the proposed sale of a portion of the rail bank.

If any person objects to the above action, written notification must be received by Monday, March 25, 2013 by the Department of Transportation's contact for the above matter:

Kevin Schmidt
District 3 Right of Way Engineer
7694 Industrial Park Rd
Baxter MN 56425

A public meeting will be held at the Albany City Hall, conference room, 400 Railroad Avenue, Albany, MN, 56307 on Wednesday, February 20, 2013, from 4 to 7 pm to afford the public an opportunity to view the proposed sale.

To request an ASL or foreign language interpreter, or other reasonable accommodation, call Janet Miller at (651) 366-4720 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). Alternatively, send an e-mail to: janet.rae.miller@state.mn.us. Please request at least one week in advance.

Official Notices

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting: Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective January 30, 2013 until March 31, 2013:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective February 24, 2010 until February 24, 2013:

- Joseph Edward Riley, Morris, MN
- John Thomas Riley, Morris, MN

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Additional Funding Sources

Check up on all the “active” state grants in the “Contracts & Grants” section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of all the current rules, a growing index, and previous years’ indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here’s what you receive via e-mail:

- **Word Search Capability**
- **Indices from Vol. 27 to most current issue**
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- **Easy Access to *State Register* Archives**
- **“Contracts & Grants” Open for Bid**

It’s all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber’s issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

The *State Register* is one of the best ways to advertise your grants - it’s a required read for public works projects. And it’s cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 per 1/10 of a page you cannot go wrong.

Minnesota Department of Human Services (DHS)

Equal Opportunity and Access (EOA) Division

Notice of Request for Proposals to Provide Multilingual Referral Telephone Line Services to Clients with Limited English Proficiency (LEP) in the State of Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide Multilingual Referral Telephone Line services to clients with Limited English Proficiency (LEP) in the State of Minnesota.

Work is proposed to start July 1st, 2013. For more information, or to obtain a copy of the Request for Proposal, contact:

Alejandro Maldonado
Department of Human Services
Equal Opportunity and Access (EOA) Division
444 Lafayette Road North
St. Paul, MN 55155
Phone: (651) 431-4018
Fax: (651) 431-7440
E-mail: alejandromaldonado@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, April 8th, 2013. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at: www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Find and Follow Past Contracts and RFPs

State Register subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*, Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
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The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 each 1/10 of a page, you cannot go wrong.

Minnesota State Department of Administration (Admin) Notice of Vacancy for State Designer Selection Board Public Citizen Member

The State of Minnesota, State Designer Selection Board has a public member vacancy. Application information is available on the Minnesota Secretary of State Open Commissions & Appointments website at <http://www.sos.state.mn.us/index.aspx?page=5>. Applications are due by February 26, 2013.

The State Designer Selection Board (SDSB) selects the primary designer on building construction or remodeling projects as requested by state agencies, the University of Minnesota and Minnesota State Colleges and Universities (MNSCU) on all projects with an estimated construction cost greater than \$2,000,000, and on planning projects with estimated fees greater than \$200,000. The state Designer Selection Board consists of seven individuals, the majority of whom must be Minnesota residents. Each of the following four organizations shall nominate one individual whose name and qualifications shall be submitted to the commissioner of administration for consideration: the Consulting Engineers Council of Minnesota after consultation with other professional engineering societies in the state; the AIA Minnesota; the Minnesota chapter of the Associated General Contractors after consultation with other commercial contractor associations in the state; and the Minnesota Board of the Arts. The commissioner may appoint the four named individuals to the board but may reject a nominated individual and request another nomination. The fifth member shall be a representative of the user agency, the University of Minnesota, or the Minnesota State Colleges and Universities, designated by the user agency. The remaining two citizen members shall also be appointed by the commissioner. Meetings are held on Tuesdays at 8:30 a.m. at 116B Administration Bldg. Notice of meetings is published at: <http://mn.gov/sdsb/>.

The State of Minnesota reserves the right to extend or re-open the application process. Questions regarding the open appointments application process can be directed to (651) 556-0643 or: open.appointments@state.mn.us.

Minnesota State Colleges and Universities (MnSCU)**Hennepin Technical College****Notice of Availability of Request for Proposals (RFP) for Bookstore Layout Design and Fixtures**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Hennepin Technical College, is requesting proposals to assist in a design layout and fixtures for the bookstores at the Brooklyn Park and Eden Prairie campuses. HTC is in the process of completing an 18 month renovation of the student services area. The bookstores are in the last phase of the construction and are expected to be completed by the end of April, 2013.

Proposals for this project will be received by:

Pauline Arnst
Hennepin Technical College
13100 College View Drive
Eden Prairie, MN 55347

No later than 10:00 AM, March 5, 2013

Contact Pauline Arnst for a complete RFP, **e-mail:** pauline.arnst@hennepintech.edu , **phone:** (952) 995-1445

Minnesota State Colleges and Universities (MnSCU)**Rochester Community and Technical College****Notice of Availability of Request for Proposal (RFP) for Owner Representative Selection for Rochester Community and Technical College – Heintz Center Workforce Co-location Addition Project**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Rochester Community and Technical College is soliciting proposals from interested, qualified consultants for Owner Representative services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website,

<http://www.finance.mnscu.edu/facilities/index.html>. click on “Announcements.”

A project informational meeting is scheduled for 10:00 am, Wednesday, February 27, 2013 at the Heintz Center, Classroom HA136, 1926 College View Road East, Rochester, MN 55904. All firms interested in this meeting should contact Shayn Jensson, at Shayn.Jensson@rctc.edu to sign up to attend the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to June Meitzner, Purchasing Manager, Rochester Community and Technical College, Room SS153, 851 - 30th Avenue S.E., Rochester, MN 55904, not later than 2:00 pm, Monday, March 11, 2013. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

St. Cloud State University

Notice of Availability of Request for Proposal (RFP) for Graphic Artist Selection for National Hockey and Event Center

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of St. Cloud State University is soliciting proposals from interested, qualified graphic artists for design and installation services for the above referenced project.

A full Request for Proposal will be available February 19, 2013 at: http://www.stcloudstate.edu/facilities/Projects_000.asp

There have been 2 addenda issued to date. A third addenda will be issued February 19, 2013. All 3 addenda will be posted at this website at that date

Proposals are due March 6, 2013 at 3:00 PM to Lisa Sparks, Purchasing Office Director, St. Cloud State University, Administrative Services building, 720 - 4th Avenue South, St. Cloud, MN 56301

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Formal Request for Proposal for Printing and Mailing Services for *In the Works* Magazine

Response Due Date and Time: Friday, March 15, 2013 at 3:00 p.m. Central Time.

The complete Request for Proposal will be available on Tuesday, February 19, 2013 on the website <http://www.sctcc.edu/rfp>.

Title of Project: *In the Works* magazine

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401H
Phone: (320) 308-5973
E-mail: smeyer@sctcc.edu

Contact for questions: Heidi L. Everett, Phone: (320) 308-5937, **e-mail:** heverett@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

Department of Commerce Notice of Contract Availability for Professional and Technical Services Master Contracts

The State of Minnesota (State), Department of Commerce (Commerce) requests proposals from qualified contractors for Professional and Technical Services to assist in preparation of environmental review documents for Professional and Technical Services Master Contracts. The Request For Proposal is to put in place a Master Contract program that will provide for qualified contractors to assist Commerce Energy Facilities Permitting (EFP) staff with any or all aspects of planning, consultation, document preparation, and production required to support preparation of environmental review documents.

Commerce anticipates that it will enter into the Master Contracts for an initial three (3) year term with the option to extend an additional two (2) years in one (1) year increments determined by the State and that these contracts will be effective on or after April 15, 2013.

A Request for Proposals (RFP) will be available for download on the Commerce's website:
(<http://mn.gov/commerce/topics/request-for-proposals/>)

Tuesday, February 19, 2013 through Tuesday, March 12, 2013. Potential responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by Commerce no later than 12:00 p.m. noon Central Standard Time (CST) on Tuesday, March 12, 2013.

The RFP can be obtained from:

Preferred Method: <http://mn.gov/commerce/>

U.S. Postal Service: Kris Wenner
Minnesota Department of Commerce
85 Seventh Place E, Suite 500
Saint Paul, MN 55101

Proposals submitted in response to this RFP must be received no later than Tuesday, March 12, 2013, 3:00 p.m. (CST). **Late proposals will NOT be considered.** Instructions for submitting proposals are detailed in the RFP.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Education (MDE) Request for Proposals for Development and Evaluation of Training and Coaching Content (DETCC) – Round 2

NATURE OF CONTRACT:

The Minnesota Department of Education (MDE), Division of Special Education, with federal funds from CFDA 84.027A, Special Education – Grants to States, is soliciting proposals from **individual** qualified contractors to: 1) develop content and materials related to the six (6) areas of work identified below; to be used by trainers to train and coach practitioners in the field of special education; 2) meet with department staff and other contractors who are on master work orders when necessary to align training content and 3) evaluate both the quality of the content and the effectiveness of the training delivery. This request for proposals will establish a master roster of

State Contracts

multiple qualified individuals, with knowledge and skills in one (1) or more of the six areas listed below, from which the Department of Education will assign work tasks on an as-needed basis. Previously, these related areas have been managed as separate scopes of work. The department's ability to retain the services of qualified contractors to assist the department in carrying out this work for training, coaching and evaluation materials will improve their ability for consistency in conveying information to the field of practitioners.

DESCRIPTION OF PROJECT:

These six areas are considered to be high priority needs for Minnesota educators and other personnel serving students with disabilities, who will be the recipients of the content, training, and coaching developed through this contract. Responders will identify one or more areas of expertise they are qualified and experienced in providing. These areas include:

- Understanding Minnesota's K-12 Academic Content Standards in English Language Arts and Mathematics for the purpose of designing standards-based Individualized Education Programs (IEPs), learning progressions/instructional sequences, and formative assessments. (see <http://education.state.mn.us/MDE/EdExc/StanCurri/K-12AcademicStandards/index.htm> for Minnesota's Academic Content Standards)
- Using assessment data (formative/summative) to match student's needs with placement on a learning progression in order to select the best research-based practice, accommodations/ modifications, and assistive technology.
- Developing training and coaching on the guidance and practice articulated in the *Manual for Determining Eligibility of Students with Specific Learning Disabilities*. (See <http://education.state.mn.us/MDE/EdExc/SpecEdClass/DisabCateg/SpecLearnDisab/index.html> for a copy of the manual.)
- Literacy and math research-based practices for students with mild to moderate Developmental Cognitive Disabilities, Language Impairments and Specific Learning Disabilities.
- Developing training and coaching content on School-wide Positive Behavior Interventions and Supports (SW-PBIS), as well as strategies to identify, analyze, and reduce suspensions, expulsions, and out of class time for students with challenging behaviors. (See <http://PBISMN.org> for more information).
- Using performance and evaluation data to make continuous improvements to training content, training delivery, coaching of trainers, and job aides.

Responders preparing their proposals should be aware that subcontracting out the work will not be an option that MDE will consider. However, organizations with staff interested in responding may submit a **separate** proposal from their organization on behalf of **each** staff person who would provide the services. The required proposal content, experience and qualifications, letters of recommendation must be specific to each area of expertise for the specific person from the organization that would provide the services.

QUESTIONS

Questions may be submitted during the telephone conference scheduled for February 28, 2013, 3-4 pm, Central Time. In addition, questions may be submitted through email to the contact person identified below by March 5, 3:30 pm, Central Time. A question and answer document will be disseminated to all who have requested a copy of the solicitation by March 8, 2013, 3:30 pm, Central Time. You will find additional detail related to the telephone conference in the full solicitation.

ESTIMATED CONTRACT PERIOD

The department anticipates the initial two-year master contract period to run from July, 2013 through June, 2015. Selected contractors will enter into master contracts and then master contract work orders that will outline specific work assignments for specific pay during specific work periods. The state reserves the option to extend master contracts up to an additional 3 years contingent on statewide needs, agency determination and future funding.

GEOGRAPHICAL LOCATION OF WORK: Contractors will be assigned work based on statewide needs specific to their area of expertise and availability. Work will be performed in Minnesota and involve some travel.

AGENCY'S ESTIMATED COST OF SERVICES:

Responders must identify one hourly rate for their services and another hourly rate for travel time. Hourly rates must be capped at \$70 per hour for services and \$35 per hour for travel time. Contractors will be reimbursed for approved and necessary travel expenses incurred to carry out the work order tasks.

PROPOSAL DUE DATE: March 18, 2013, 3:30 pm, Central Time.

AGENCY CONTACT PERSON:

A copy of the complete request for proposal will be available through the proposal due date from the person below by submitting a request through email to:

Victoria Weinberg, Division of Special Education
E-mail: *Vicki.weinberg@state.mn.us*
Phone: (651) 582-8245 (if email not functional)
TTY: (651) 582-8501

Minnesota Department of Human Services (DHS) Transitions to Economic Stability Division Notice of Request for Proposals to Provide Inventory and Detailed Analysis of Community Group Residential Housing Options for Persons Participating in Minnesota's Money Follows the Person Demonstration Project

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide inventory and detailed analysis of potential community Group Residential Housing options for persons participating in Minnesota's Money Follows the Person demonstration project. The goals of the project are: 1) to equip DHS with the knowledge necessary to make sound policy decisions regarding the GRH program that are based on factual and accurate information about GRH settings' characteristics and capacity, and 2) to determine the potential for GRH settings as community options for MFP participants transitioning out of institutions, and other persons receiving services through DHS programs who would prefer to receive services in a community setting.

Work is proposed to start March 29, 2013. For more information, or to obtain a copy of the Request for Proposal, contact:

Alison Niemi
Department of Human Services
Transitions to Economic Stability Division
P.O. Box 64951
444 Lafayette Road North
St. Paul, MN 55155-0951
Phone: (651) 431-3848
Fax: (651) 431-7526
E-mail: *alison.niemi@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, March 8, 2013. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Department of Public Safety (DPS)

Driver and Vehicle Services

Notice of Request for Information (RFI) from Automated Testing Systems Software and Technologies Solutions Vendors

The Minnesota Department of Public Safety, Driver and Vehicle Services Division (DVS) is requesting information from vendors with existing and emerging Automated Testing Systems software and hardware solutions and technologies. Vendors providing information will have the opportunity to schedule a demonstration of these solutions directly to DVS representatives.

This RFI does not obligate DVS to complete the work contemplated in this notice. DVS reserves the right to cancel this RFI. All expenses incurred in responding to this notice and RFI are solely the responsibility of the responder.

Details are contained in a complete RFI packet that may be obtained by contacting the following person:

Patrick Martineau
Department of Public Safety
Driver & Vehicle Services
445 Minnesota Street, Suite 196,
St. Paul, MN 55101
E-mail: *patrick.martineau@state.mn.us*

All questions concerning this RFI should be in writing and e-mailed to the above email address no later than 2:00 p.m. Central Daylight Time (CDT) on Monday April 15, 2013. Final date for submitting responses and registration in person or by mail to the address listed is 2:00 p.m. CDT on Friday, May 31, 2013. Late proposals will NOT be considered. Faxed or e-mailed proposals will NOT be considered.

Minnesota Racing Commission

Notice of Request for Proposal for Equine Drug Testing Services

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission is requesting proposals for Equine Drug Testing Services for two racetracks for the time period from mid- April to late September, 2013 with the option to extend an additional four years in increments decided by the state.

To obtain a copy of the complete Request for Proposal, free of charge, please contact:

Mary Manney, Deputy Director
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025
Phone: (651) 925-3954

The deadline for submitting applications is Monday, March 11, 2013 at 4:00 PM central daylight time.

Minnesota Supreme Court

Legal Services Advisory Committee

Request for Proposals for Lawyer Assistance Program

The Minnesota Supreme Court, through its Legal Services Advisory Committee, is requesting proposals for management of a statewide network to provide to lawyers and their families readily accessible consultation, referral and short term counseling services for mental health and chemical dependency issues.

The proposal shall be submitted for a 12 month period of time, from July 1, 2013 through June 30, 2014.

All proposals must be submitted in writing in a sealed envelope to the following address and must be received no later than 4:30 p.m. (CST) on April 12, 2013:

Bridget Gernander
Legal Services Advisory Committee
Minnesota Judicial Center
25 Rev Dr Martin Luther King Jr Boulevard, Suite 305
St. Paul, MN 55155-1500

Questions about the RFP or the selection process must be in writing and **sent by e-mail** to Bridget Gernander at Bridget.Gernander@courts.state.mn.us. Other court personnel are not allowed to discuss the Request for Proposal with any one including responders before the proposal submission deadline. All questions submitted will be posted on the Minnesota Judicial Branch website at www.mncourts.gov along with responses and will be made available to the public.

A complete RFP can be found on the court website www.mncourts.gov under Public Notices.

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

State Contracts

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Vendors Sought for these Projects

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Subscribers can view these by opening the *State Register* and clicking on Bookmarks on the left. (Non subscribers are not able to do this.) You will also see a list of all the current rules, a growing index, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings).

Dakota County Transportation Department

REQUEST FOR PROPOSAL for Construction Engineering Services for the TH 13 and CSAH 5 Interchange Project, Burnsville, Minnesota

NOTICE IS HEREBY GIVEN that Dakota County Transportation Department as the lead agency on Trunk Highway 13 and County State Aid Highway Interchange Project, is seeking qualified firms for the construction engineering consultant contract to provide assistance to the County by providing Critical Path Method (CPM) schedule review of Ames Construction, Inc. submitted schedules, local business construction staging and detour plans; contamination removal monitoring and testing inspection; review shop drawings of retaining walls, noise wall and Bridge No. 19036, and soil density monitoring of city watermain, sanitary sewer, and storm sewer.

Non-State Public Bids, Contracts & Grants

The project work will commence immediately upon selection of the consultant. The consultant will prepare a project schedule based on the County Board award date of March 12, 2013.

The full Request for Proposal can be obtained from:

John Sass, Transportation Project Manager
Dakota County Transportation Department
14955 Galaxie Avenue, 3rd Floor
Apple Valley, MN 55124
Telephone: (952) 891-7130
E-mail: *John.Sass@co.dakota.mn.us*

Proposals due: Tuesday, February 26, 2013 at 2:00 p.m. at the Dakota County Transportation Department 14955 Galaxie Avenue, 3rd Floor Apple Valley, MN 55124

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for Terminal 2-Humphrey Apron Expansion North

MAC Contract No.: 120-1-011
Bids Close At: 2:00 PM on March 12, 2013

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for expansion of the existing Terminal 2-Humphrey Apron to the northeast to accommodate six future aircraft gate positions.

Disadvantaged Business Enterprises (DBE): The goal of the MAC for the utilization of DBE on this project is 8%.

Bid Security: Each bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minneapolis and Saint Paul Builders Exchanges, McGraw Hill Construction/Dodge, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to TKDA. Deposit per set (refundable) \$200.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 11, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Terminal 2-Humphrey Checked Baggage Inspection System (CBIS) BP 1: Building Shell & Interiors

MAC Contract No.: 120-6-019
Bids Close At: 2:00 p.m. March 12, 2013

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project includes (Cite 37 SR 1245)

Non-State Public Bids, Contracts & Grants

general, mechanical, and electrical construction work.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 5%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Miller Dunwiddie Architecture, Inc.; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Franz Reprographics; 2781 Freeway Blvd.; Brooklyn Center, MN 55430; phone: (763) 503-3401; fax: (763) 503-3409; www.franzrepro.com. Make checks payable to Miller Dunwiddie Architecture, Inc. Deposit per set (refundable) \$300.00. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 11, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

Minnehaha Creek Watershed District (MCWD) Six Mile Marsh Prairie Restoration Advertisement for Bids for Drain Tile Breaking, Excavation, and Vegetation Restoration

Project Name:	Six Mile Marsh Prairie Restoration
Owner:	Minnehaha Creek Watershed District
Class of Work:	Drain Tile Breaking, Excavation, and Vegetation Restoration
Project Location:	Minnetrissa, Hennepin County, Minnesota
Pre-Bid Meeting:	2:00 PM February 21, 2013 (Mandatory)
Bids Close At:	10:00 AM March 6, 2013

NOTICE TO CONTRACTORS

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work described herewith, will be received by Minnehaha Creek Watershed District at its office located at 18202 Minnetonka Blvd., Deephaven, MN, until 10:00 AM March 6, 2013 at which time such bids will be opened and read aloud. The work, in accordance with drawings and specifications prepared by Applied Ecological Services and HR Green, Inc. consists of the following major items of work:

Earthwork
Breaking Drain Tile
Vegetation Restoration

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the offices of Minnehaha Creek Watershed District, the payment of a \$65.00 **non-refundable** fee for each bid package. Bid packages are also available for examination at the District office. All communications relative to this project should be addressed to the Project Ecologist, Douglas Mensing, **e-mail:** dougm@appliedeco.com, **phone:** (612) 202-2252 prior to opening of the Bid.

Bid Proposals shall be submitted on forms furnished for that purpose.

Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("OWNER") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the OWNER, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the OWNER in case the bidder fails to do so. The OWNER will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn

Non-State Public Bids, Contracts & Grants

for a period of sixty (60) days following the bid opening.

A **MANDATORY PRE-BID MEETING** will be held at the Minnehaha Creek Watershed District office, 18202 Minnetonka Blvd, Deephaven, MN at 2:00 PM February 21, 2013.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The OWNER, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

Dated: February 2013

Minnesota's Bookstore

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3-Ring White Binder - 6"x9"x2", Stock No. 388, \$9.95 (one binder for Criminal Code and for Motor Vehicle Traffic Laws)

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2013 Base Value Guide First Printing, Stock No. 406, \$11.00

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3-ring Binder, Stock No. 370, \$7.95

Previous Base Value Guides are also available. Call for more Information.

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- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

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Fax and phone orders: Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

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\$100.01-\$1,000	\$ 17.00*
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More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

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(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

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