

MINNESOTA STATUTES 1953 ANNOTATIONS

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PUBLIC ENTERPRISES 454.01

453.07 APPLICATION

HISTORY. Amended, 1949 c 119 s 111.

453.08 CITIES MAY RESCIND ACTION

HISTORY. Amended, 1949 c 119 s 111.

453.09 PETITION

HISTORY. Amended, 1949 c 119 s 111.

453.10 TWO-THIRDS VOTE REQUIRED TO RESCIND

HISTORY. Amended, 1949 c 119 s 111.

453.12 CHARGES, FUND

The village council and the water, light and power commission each have the power to extend water lines. Their powers are separate and defined by statute. The village cannot appropriate money to the commission to be expended by the commission. Expenditures on contracts by the commission involving more than \$100 require competitive bidding. OAG Oct. 9, 1947 (624-D-11) (707-A-15).

453.13 RESERVE FUND

Surplus funds in the hands of the water, power, and building commission may be transferred to the general revenue fund, and used for hospital purposes, over which the commission has no control. OAG Aug. 5, 1947 (59-A-7).

453.14 NO LIMITATION OR EXTENSION OF POWERS OF TAXATION

The village council of the village of Hibbing may not voluntarily abandon part of water and light utility without concurrence of the commission. But if such abandonment is brought about other than by action of the council, such concurrence is not necessary. OAG Sept. 2, 1949 (624-C-10).

453.15 BOARD OF WATER COMMISSIONERS

A utility board is an independent body free from control by the city council, and the council should not take part in appointing one of its own members to the utility board. OAG Dec. 23, 1948 (624-A-3).

453.22 DISTRIBUTION OF WATER; WATER RATES; LIEN OF RATES; WASTAGE

As it relates to an unpaid water bill, section 453.22 is not applicable to villages. It affects only cities of the third class not operating under a home rule charter. OAG July 6, 1953 (624-D-5).

CHAPTER 454

PUBLIC ENTERPRISES

454.01 GAS, ELECTRIC, AND POWER PLANTS IN CITIES OF THE FIRST CLASS OR THE FOURTH CLASS

In proceedings under section 454.01 to acquire a gas plant, the provisions of section 475.52 must be complied with, and the present owner of the franchise must be notified. OAG May 18, 1950 (624-B-2).

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454.041 PUBLIC ENTERPRISES

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To acquire an electric generating plant no special election is necessary by a city of fourth class organized under Laws 1879, Chapter 57, unless the full faith and credit of the city is pledged. OAG May 9, 1950 (624-C-10).

454.041 RATES FOR GAS OR ELECTRIC CURRENT IN CERTAIN CITIES

HISTORY. 1919 c 469 s 1.

The federal power commission lacks power under the National Gas Act to make findings as to the reasonableness of past rates for transportation of natural gas. *McClellan v Montana-Dakota Utilities Co.*, 104 F Supp 46.

Where a franchise granted to a power corporation for 20 years, stipulated rates which were charged by the corporation for a ten year period only, and no provision was made for the determination of new rates based on ten year rate, the franchise was not void as against public policy, and the corporation could have fixed its own rates subject to the stipulation that the rates would be reasonable. OAG Sept. 26, 1951 (624-C-6).

Public utility rates in Waseca under the charter and ordinance are to be fixed and charged by the city council. A provision in an ordinance that public utility rates shall not exceed the schedule of rates enforced in the city of Albert Lea is arbitrary and is not a proper measure. OAG April 29, 1952 (624-C-11).

The village utility rates fixed by contract may not be increased during the life of the contract; but if the rates are not fixed by contract, or by franchise ordinance, they may be increased without the consent of the village council. OAG Sept. 8, 1952 (624-C-11).

454.042 FIXING RATES

HISTORY. 1919 c 469 s 2.

454.043 APPEAL; RIGHT OF APPEAL

HISTORY. 1919 c 469 s 3.

A provision in an ordinance in Waseca that public utility rates shall not exceed the schedule of rates in force in the city of Albert Lea is an arbitrary one, and is not proper. OAG April 29, 1952 (624-C-11).

454.044 AMOUNT OF PAYMENT FOR USE OF STREETS

HISTORY. 1915 c 311 s 1-3.

454.045 FURNISHING GAS TO CERTAIN ADJACENT CITIES

HISTORY. 1921 c 93 s 1.

CHAPTER 455

ELECTRICAL

455.01 CITIES OF SECOND OR THIRD CLASS MAY CONSTRUCT OR PURCHASE ELECTRIC LIGHT PLANT

HISTORY. 1901 c 199 s 1.

Reasonable return upon fair value of operating property. 37 MLR 159.

455.12 Repealed, 1949 c 119 s 110.