

MINNESOTA STATUTES 1953 ANNOTATIONS

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455.12 Repealed, 1949 c 119 s 110.

455.20 DISPOSITION OF ELECTRICAL ENERGY

Section 455.29 provides that a municipality shall have power to sell electricity to customers outside of such municipality after a favorable vote of two-thirds of the governing body and a favorable vote of the majority of the electors, and as to whether or not the electric light lines may be extended beyond the city limits depends upon the wording of the city charter. OAG Dec. 29, 1949 (624-C-12).

455.23 ELECTRIC LIGHT AND POWER PLANTS, CITIES FOURTH CLASS

HISTORY. Amended, 1949 c 119 s 111.

A municipality which manufactures electrical energy, as well as distributes it, acts in a proprietary capacity. OAG March 25, 1948 (624-C-2).

455.24 SUBMISSION TO VOTERS

HISTORY. Amended, 1949 c 119 s 111.

455.25 BOND ISSUE

HISTORY. Amended, 1949 c 119 s 111.

455.29 MUNICIPALITIES MAY EXTEND ELECTRIC SERVICE

Where village furnished electricity to a private corporation, the corporation may furnish electric current to residences or business enterprises in building owned by it, there being no use of streets or alleys. OAG Dec. 3, 1947 (396-G-11).

A municipality which manufactures electrical energy, as well as distributes it, acts in a proprietary capacity. OAG March 25, 1948 (624-C-2).

Upon being authorized by a five-eighths vote of the village voters the village of Cook may purchase a light and power system and operate it as its own, make a payment by the use of its liquor store fund revenue and by bonds payable out of revenue to be earned by the system, or bonds secured by a lien on the plant, or by a conditional sales contract or by all of them and is authorized to sell electricity within 20 miles of its corporate limits. OAG Jan. 6, 1950 (624-C-8).

Where a night club entrance was one foot within the incorporated limits of the village but the balance of the building was outside the village limits, section 455.29 did not apply. The village under such circumstances may extend its electric light and power lines and sell electrical energy to the owner of the building without a vote thereon. OAG July 11, 1950 (624-C-12).

455.33 Repealed, 1949 c 119 s 110.

455.34 Renumbered, 454.044, subdivision 1.

455.35 Renumbered, 454.044, subdivision 2.

455.36 Renumbered, 454.044, subdivision 3.