

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 232.06 PUBLIC LOCAL GRAIN WAREHOUSES

Subd. 4. **Liability.** The person, firm, or corporation issuing a receipt shall be held liable to the owner for the delivery of the kind, grade and net quantity of grain called for by the receipt. For the purposes of this subdivision, "grain" means any commodity for which standards have been established by the Minnesota board of grain standards or the secretary of agriculture of the United States.

[For text of subds 5 to 7, see M.S.1976]

[ 1977 c 364 s 9 ]

## CHAPTER 237. TELEPHONE AND TELEGRAPH COMPANIES

Sec.  
237.075 Rate changes. [New]  
237.08 Repealed.

Sec.  
237.22 Depreciation; amortization.  
237.29 Companies to pay expense of investigations and hearings.

### 237.075 Rate changes.

Subdivision 1. Unless the commission otherwise orders, no telephone company shall change any rate which has been duly established under this chapter, except after 90 days notice to the commission. The notice shall include statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested, and state the change proposed to be made in the rates then in force, and the time when the modified rates will go into effect. The filing telephone company shall give written notice, as approved by the commission, of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

Subd. 2. When there is filed with the commission a schedule modifying or resulting in a change in any rate then in force, together with the filed statements of fact, expert opinions, substantiating documents, and exhibits, supporting the changes requested, the commission shall upon complaint or may upon its own motion, upon reasonable notice to the governing bodies of municipalities and counties affected, conduct a hearing to determine whether the rates are unjust or unreasonable. Pending the hearing and the decision thereon, the commission may suspend the operation of the schedule by filing of the schedule of rates and delivering to the affected telephone company a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than 90 days beyond the time when the schedule of rates would otherwise go into effect unless the commission finds that a longer time will be required. If a longer time is required the commission may further extend the period of suspension, but in no event shall the period of suspension be more than nine months from the date when the schedule of rates would otherwise go into effect. If the commission does not make a final determination on or before the expiration of 12 months from the date the rates were initially filed, the schedule of rates shall be deemed to have been approved by the commission. The overcharge resulting from implementation of the schedule prior to the final determination of the commission shall be refunded to the customers of the telephone company in a manner prescribed by rules of the commission. For the purposes of this subdivision "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all such petitions.

Subd. 3. Notwithstanding any order of suspension of a proposed increase in rates, the telephone company may put the suspended schedule into effect on the date when it would have become effective if not suspended, or any date subsequent thereto within the suspension period, by filing with the commission a bond in an amount approved by the commission with sureties approved by the commission, conditioned upon the refund, in a manner to be prescribed by order of the commission, of the excess in increased rates, including interest thereon which shall be at the current rate of interest as determined by the commission, collected during the

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period of the suspension if the schedule so put into effect is finally disallowed by the commission. There may be substituted for the bond other arrangements satisfactory to the commission for the protection of persons affected. If the telephone company fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and is authorized to recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. However, no telephone company shall put a suspended rate schedule into effect as provided by this subdivision until at least 90 days after the commission has made a determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2.

Subd. 4. The burden of proof to show that the rate change is just and reasonable shall be upon the telephone company seeking the change.

Subd. 5. If, after the hearing, the commission finds the rates to be unjust or unreasonable or discriminatory, the commission shall determine the rates to be charged or applied by the telephone company for the service in question and shall fix them by order to be served upon the telephone company. The rates shall thereafter be observed until changed, as provided by this chapter. In no event shall the rates exceed the level or rates requested by the telephone company, except that individual rates may be adjusted upward or downward.

Subd. 6. The commission, in the exercise of its powers under this chapter to determine just and reasonable rates for telephone companies, shall give due consideration to the public need for adequate, efficient, and reasonable service and to the need of the telephone company for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provision for depreciation of its telephone company property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in the property. In determining the rate base upon which the telephone company is to be allowed to earn a fair rate of return, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, to prudent acquisition cost to the telephone company, less appropriate depreciation on each cost, to construction work in progress, to offsets in the nature of capital provided by sources other than the investors, and to other expenses of a capital nature. To the extent that construction work in progress is included in the rate base, the income used in determining the actual return on the telephone company property shall include an allowance for funds used during construction. For purposes of determining rate base, the commission shall consider the original cost of telephone company property included in the base and shall make no allowance for its estimated current replacement value.

Subd. 7. The commission shall not make an allowance for operating expenses incurred by a telephone company for institutional advertising.

Subd. 8. The commission shall allow as operating expenses only those charitable contributions which the commission deems prudent and which qualify under section 290.21, subdivision 3, clause (b). Only 50 percent of the qualified contributions shall be allowed as operating expenses.

[ 1977 c 359 s 7 ]

**237.08** [ Repealed, 1977 c 359 s 8 ]

**237.22** Depreciation; amortization.

The department shall fix proper and adequate rates and methods of depreciation and amortization with respect to telephone company property and every telephone company shall conform its depreciation accounts to the rates and methods fixed by the department.

[ 1977 c 364 s 10 ]

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## 237.29 TELEPHONE AND TELEGRAPH COMPANIES

### 237.29 Companies to pay expense of investigations and hearings.

Subdivision 1. **Costs of investigations.** When the commission, upon its own motion, complaint, or application to it, and after a public hearing, in which a majority of the commissioners agree it is necessary through hearing or other action to investigate: (a) the value of any telephone property subject to its jurisdiction; (b) the adequacy or reasonableness of any telephone service or rate; (c) the cost of a proposed upgrading of service; or (d) telephone company revenues and expenses for rate making or other purposes, such telephone company which is the subject of the investigation shall be charged with and pay such portion of the compensation and expense of the commission, its officers, legal counsel, agents, and staff of the department of public service, including legal counsel and employees temporarily employed, and all reasonable expenses and costs occasioned in sustaining in any court the determination or action of the department in such investigations, as is reasonably attributable to such investigations, pending or hereafter brought. Within 30 days after the date of the mailing of any bill to it under this section, the telephone company against which the bill has been rendered may file with the commission objections setting out the grounds upon which it is claimed the bill is excessive, erroneous, unlawful or invalid. The commission shall within 60 days after the objections are filed, hold a hearing and issue an order in accordance with its findings. The order shall be appealable in the same manner as other final orders of the commission.

[For text of subds 2 and 3, see M.S.1976]

[ 1977 c 364 s 11 ]

## CHAPTER 238. CABLE COMMUNICATIONS

Sec.  
238.04 Board created.

Sec.  
238.09 Certificate of confirmation.

### 238.04 Board created.

[For text of subd 1, see M.S.1976]

Subd. 2. Members shall be appointed by the governor with the advice and consent of the senate. Each member shall be appointed by the governor, by and with the advice and consent of the senate. No more than four members shall be from the same political party.

[For text of subds 2a to 9, see M.S.1976]

[ 1977 c 414 s 14; 1977 c 444 s 16 ]

### 238.09 Certificate of confirmation.

Subdivision 1. Except as provided in subdivisions 4, 5 and 10, after May 24, 1973, no person shall exercise a franchise, and no such franchise shall be effective, until the board has confirmed such franchise.

[For text of subds 3 to 9, see M.S.1976]

Subd. 10. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations and which was providing extension of service to an area or areas outside of its franchise boundaries on May 1, 1977 may, notwithstanding any other law to the contrary, continue to provide such extension of service until May 1, 1978 or such time as the commission adopts line extension rules, whichever date is earlier.

[ 1977 c 396 s 3,4 ]