

## CHAPTER 216A

## PUBLIC UTILITIES; COMMISSION, DEPARTMENT

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**216A.01 DEPARTMENT AND COMMISSION; POWERS AND DUTIES.**

The department of commerce shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter. The public utilities commission shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter and those formerly vested by law in the railroad and warehouse commission.

**History:** *1Sp2001 c 4 art 6 s 27*

**216A.035 CONFLICT OF INTEREST.**

(a) No person, while a member of the public utilities commission, while acting as executive secretary of the commission, or while employed in a professional capacity by the commission, shall receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission.

(b) No person is eligible to be appointed as a member of the commission if the person has been employed with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission within one year from the date when the person's term on the commission will begin.

(c) No person who is an employee of the department of commerce shall participate in any manner in any decision or action of the commission where that person has a direct or indirect financial interest. Each commissioner or employee of the department who is in the general professional, supervisory, or technical units established in section 179A.10 or who is a professional, supervisory, or technical employee defined as confidential in section 179A.03, subdivision 4, or who is a management classification employee and whose duties are related to public utility, telephone company, or telecommunications company regulation shall report to the campaign finance and public disclosure board annually before April 15 any interest in an industry or business regulated by the commission. Each commissioner shall file a statement of economic interest as required by section 10A.09 with the campaign finance and public disclosure board and the public utilities commission before taking office. The statement of economic interest must state any interest that the commissioner has in an industry or business regulated by the commission.

(d) A professional employee of the commission or department must immediately disclose to the commission or to the commissioner of the department, respectively, any communication, direct or indirect, with a person who is a party to a pending proceeding before the commission regarding future benefits, compensation, or employment to be received from that person.

**History:** *1Sp2001 c 4 art 6 s 28*

**216A.036 EMPLOYMENT RESTRICTIONS; CIVIL PENALTY.**

(a) A person who serves as (1) a commissioner of the public utilities commission, (2) commissioner of commerce, or (3) deputy commissioner of commerce, shall not, while employed with or within one year after leaving the commission or department, accept employment with, receive compensation directly or indirectly from, or enter into

a contractual relationship with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission.

(b) An entity or an affiliated company of an entity that is subject to rate regulation by the commission, or a person acting on behalf of the entity, shall not negotiate or offer to employ or compensate a commissioner of the public utilities commission, the commissioner of commerce, or the deputy commissioner of commerce, while the person is so employed or within one year after the person leaves that employment.

(c) For the purposes of this section, "affiliated company" means a company that controls, is controlled by, or is under common control with an entity subject to rate regulation by the commission.

(d) A person who violates this section is subject to a civil penalty not to exceed \$10,000 for each violation. The attorney general may bring an action in district court to collect the penalties provided in this section.

**History:** 1Sp2001 c 4 art 6 s 29

## **216A.05 COMMISSION FUNCTIONS AND POWERS.**

Subdivision 1. **Legislative and quasi-judicial functions.** The functions of the commission shall be legislative and quasi-judicial in nature. It may make such investigations and determinations, hold such hearings, prescribe such rules and issue such orders with respect to the control and conduct of the businesses coming within its jurisdiction as the legislature itself might make but only as it shall from time to time authorize. It may adjudicate all proceedings brought before it in which the violation of any law or rule administered by the department of commerce is alleged.

*[For text of subds 2 to 6, see M.S.2000]*

**History:** 1Sp2001 c 4 art 6 s 30

## **216A.06 [Repealed, 1Sp2001 c 4 art 6 s 76]**

## **216A.07 COMMISSIONER POWERS AND DUTIES.**

Subdivision 1. **Commissioner duties.** The commissioner of commerce has all the rights and powers and shall perform all the duties set forth in this chapter. The commissioner may:

(1) prepare all forms or blanks for the purpose of obtaining information which the commissioner may deem necessary or useful in the proper exercise of the authority and duties of the commissioner in connection with regulated businesses;

(2) prescribe the time and manner within which forms or blanks shall be filed with the department;

(3) inspect at all reasonable times, and copy the books, records, memoranda, and correspondence or other documents and records of any person relating to any regulated business; and

(4) cause the deposition to be taken of any person concerning the business and affairs of any business regulated by the department. Information sought through said deposition shall be for a lawfully authorized purpose and shall be relevant and material to the investigation or hearing before the commission. Information obtained from said deposition shall be used by the department only for a lawfully authorized purpose and pursuant to powers and responsibilities conferred upon the department. Said deposition is to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

*[For text of subds 2 to 6, see M.S.2000]*

**History:** 1Sp2001 c 4 art 6 s 31

## **216A.08 CONTINUATION OF RULES OF PUBLIC SERVICE DEPARTMENT.**

All valid rules, orders, and directives heretofore enforced, issued, or promulgated by the public service department under authority of chapter 216, 216A, 216B, 216C,

218, 219, 221, 222, 237, 238, or 239 shall remain and continue in force and effect until repealed, modified, or superseded by duly authorized rules, orders, or directives of the public utilities commission, the commissioner of transportation, or the commissioner of commerce.

**History:** *1Sp2001 c 4 art 6 s 32*

#### **216A.085 ENERGY ISSUES INTERVENTION OFFICE.**

Subdivision 1. **Creation.** There is created within the department of commerce an intervention office to represent the interests of Minnesota residents, businesses, and governments before bodies and agencies outside the state that make, interpret, or implement national and international energy policy.

*[For text of subd 2, see M.S.2000]*

Subd. 3. **Staffing.** The intervention office shall be under the control and supervision of the commissioner of commerce. The commissioner may hire staff or contract for outside services as needed to carry out the purposes of this section. The attorney general shall act as counsel in all intervention proceedings.

**History:** *1Sp2001 c 4 art 6 s 33,77*