

Sec. 4. **EFFECTIVE DATE.**

Section 3 is effective the day after the chief clerical officer of Hennepin county complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 24, 1997

Signed by the governor April 28, 1997, 10:52 a.m.

**CHAPTER 59—H.F.No. 211**

*An act relating to telecommunications; authorizing the installation of extended area service within combined school districts.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

**Section 1. COMBINED SCHOOL DISTRICTS; EXTENDED AREA SERVICE.**

Subdivision 1. AUTHORIZATION. In order to facilitate communication among school district and charter school parents, teachers, students, and school administrators in the geographic region of combined school districts, an organization of telephone customers residing within school districts combined under Minnesota Statutes, section 122.22, 122.23 or 122.241, or the school district administration itself, may petition the public utilities commission to install extended area service within the combined school district.

Subd. 2. PETITION. (a) The petition must be on a form supplied by the commission and include:

(1) the name of each exchange that would be included in the extended area, the principal city in each exchange, and the name of each telephone company serving each exchange;

(2) the name, address, and telephone number of each person signing the petition;

(3) a statement that the signing customers desire to have extended area service installed within the combined school district; and

(4) the name, address, and telephone number of the person representing the petitioners to whom correspondence and the commission's order may be sent.

(b) A copy of the petition must be served on each telephone company serving each of the local telephone exchanges identified in the petition. The petition must be signed by 15 percent or more of the customers of each local telephone exchange that would be included in the extended area, or 600 customers of each of those local telephone exchanges, whichever is less. There must be only one signature per billing number. For a business customer favoring extended area service, a duly authorized agent or representative shall sign the petition. The sponsor of the petition shall certify that the signatures on the petition are valid. The petition must be kept on file and made available to the public at the commission and in the local exchange office of the telephone companies. Anyone who

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wishes to challenge the validity of signatures on the petition shall file a written protest, identifying the grounds for the protest, with the commission within 30 days of service of the petition. Copies of the protest must be sent to the petition sponsor and to the telephone companies. The commission and the telephone companies shall use customer billing records to check the validity of the signatures.

Subd. 3. CRITERIA. The commission shall grant a petition under subdivision 1 when each of the following criteria has been met:

(1) a majority of the customers in each of the local telephone exchanges identified in the petition favor extended area service installation;

(2) at least ten percent of the customers of each local telephone exchange identified in the petition are also residents of the combined school district; and

(3) each local telephone exchange identified in the petition is contiguous to another exchange identified in the petition.

Subd. 4. TRAFFIC STUDY. The commission shall order a telephone traffic study between the exchanges identified in the petition to be conducted, unless other, equally reliable traffic study data is presently available.

Subd. 5. BASIS OF RATES; COSTS. For a proposal to install extended area service under this section, proposed rates must be based on specific additional cost incurred, operating expenses, actual cost for new facilities constructed specifically to provide for extended area service, net book value of existing facilities transferred from another service to extended area service, and appropriate contributions to common overheads.

Subd. 6. RATES. The costs of providing extended area service under this section must be apportioned equally among the exchanges identified in the petition. The costs must be apportioned among the customers in each exchange so that the relationship between the rates for classes of basic local service remains the same. The commission shall establish rates that are income neutral for each affected telephone company at the time at which the commission determines the extended area service rates.

Subd. 7. LATA BOUNDARIES. When the commission has determined that a petition for extended area service should be granted under this section, but the inclusion of a local telephone exchange would place a telephone company in violation of the federal prohibition on providing telephone service across a local access and transport area (LATA) line, as defined in Minnesota Statutes, section 237.57, subdivision 5, the commission shall order the affected telephone company to seek a waiver of the prohibition on providing service across the LATA line to the extent necessary to include the exchange in the extended service area.

## **Sec. 2. EFFECTIVE DATE.**

Section 1 is effective on the day following final enactment and expires June 30, 2000. An extended service area installed under section 1 does not terminate with the expiration of that section.

Presented to the governor April 24, 1997

Signed by the governor April 28, 1997, 10:40 a.m.

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