

**CHAPTER 7845**  
**PUBLIC UTILITIES COMMISSION**  
**STANDARDS OF CONDUCT**

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**CODE OF CONDUCT**

**7845.0100 DEFINITIONS.**

Subpart 1. **Code.** "Code" refers to the code of conduct required by Minnesota Statutes, section 216A.037, subdivision 3, and set out in this chapter.

Subp. 2. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3. **Commissioner.** "Commissioner" means a member of the commission.

Subp. 4. **Employee.** "Employee" means the executive secretary of the commission, or a member of the commission's professional, secretarial, or clerical staff.

Subp. 5. **Public utility.** "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4, except that for the purposes of this chapter it also includes a municipal utility or a cooperative electric association that produces or furnishes natural, manufactured, or mixed gas or electric service and its agents, officers, and representatives.

Subp. 6. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, section 237.01, except that for the purposes of this chapter it also includes an independent telephone company as defined in Minnesota Statutes, section 237.01, subdivision 3; a radio common carrier as defined in Minnesota Statutes, section 237.01, subdivision 4; and their agents, officers, and representatives.

Subp. 7. **Party.** "Party" means a person by or against whom a proceeding before the commission is commenced or a person permitted to intervene in a proceeding before the commission. A party includes a petitioner, complainant, intervenor, applicant, and respondent, and their attorneys, agents, or representatives.

Subp. 8. **Proceeding.** "Proceeding" means a formal or informal undertaking of the commission, on its own motion or otherwise, in which it seeks to resolve questions or issues raised in a complaint, in a petition, or during rulemaking.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

**7845.0200 AUTHORITY.**

This code is prescribed by the commission under Minnesota Statutes, sections 216A.05 and 216A.037, subdivision 3.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

**7845.0300 PURPOSE AND CONSTRUCTION.**

The purpose of this code is to preserve the integrity and independence of

commission decision making and to promote public confidence in the objectivity of commission decisions. Commissioners and employees should maintain high standards of conduct to prevent a conflict or the appearance of a conflict between private interests and official duties. This code must be construed to secure these objectives in keeping with the quasi judicial function of the commission.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

#### **7845.0400 CONFLICT OF INTEREST; IMPROPRIETY.**

**Subpart 1. General behavior.** A commissioner or employee shall respect and comply with the law and shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision making process.

**Subp. 2. Actions prohibited.** Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

- A. using public office for private gain;
- B. giving preferential treatment to an interested person or entity;
- C. impeding the efficiency or economy of commission decision making;
- D. losing independence or impartiality of action;
- E. making a commission decision outside official channels; and
- F. affecting adversely the confidence of the public in the integrity of the commission.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

#### **7845.0500 QUASI JUDICIAL RESPONSIBILITIES.**

**Subpart 1. Inappropriate influences.** Commissioners shall not be swayed by partisan interests, public clamor, or fear of criticism.

**Subp. 2. Orderly proceedings, behavior.** Commissioners shall maintain order and decorum in proceedings before the commission. In their official capacity, commissioners must be patient, dignified, and courteous to litigants, witnesses, lawyers, commission staff, and others appearing before them. Commissioners shall require similar conduct from persons appearing before them.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

#### **7845.0600 DISQUALIFICATION.**

**Subpart 1. Disqualifying factors.** Commissioners and employees shall disqualify themselves if they:

- A. have a personal bias or prejudice concerning a party;
- B. before employment with the commission, served or participated as a lawyer or material witness in the pending proceeding; or
- C. have an interest, other than that of the general public, that could be substantially affected by the outcome of the proceeding.

**Subp. 2. Written disclosure; withdrawal.** The commissioner or employee shall disclose in writing within 48 hours to the commission the disqualifying interest and withdraw, taking no part in the pending proceeding.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

#### **7845.0700 PROHIBITED ACTIVITIES.**

**Subpart 1. In general; exceptions.** A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for

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another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility, telephone company, or party, that exceeds nominal value. This prohibition does not apply to:

A. books or printed materials that are relevant to the official responsibilities of the commission; or

B. an educational program devoted to improving the regulatory process or the administration of the commission that is open to other interested groups or state agencies under the same terms and conditions. Meals associated with the program must be paid for by a commissioner or employee who attends the program.

**Subp. 2. Outside income.** A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust so long as the mutual fund or trust does not hold a significant portion of its investments in public utilities or telephone companies subject to regulation by the commission.

**Subp. 3. Interests in utilities.** A commissioner or professional employee shall not invest in a public utility or telephone company, acquire a legal or equitable interest in it, however small, become its director or advisor, or actively participate in its affairs. This prohibition does not apply to:

A. ownership in a mutual fund or trust that holds securities in a telephone company or public utility unless the commissioner or professional employee participates in the management of the fund;

B. holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility;

C. purchasing services from a telephone company or public utility on the same terms and conditions as a member of the general public; or

D. holding membership in a cooperative association under the same terms and conditions as other members of the cooperative.

**Subp. 4. Outside employment.** A commissioner or employee shall not negotiate for or accept outside employment or other involvement in a business or activity that will impair the person's independence of judgment in the exercise of official duties.

**Subp. 5. Insider information.** A commissioner or employee shall not directly or indirectly use, or permit others to use, information not made available to the general public, to advance a private interest.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

### **7845.0800 FUTURE EMPLOYMENT.**

**Subpart 1. One-year restriction.** While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with a public utility or telephone company subject to rate regulation by the commission.

**Subp. 2. Commissioner communication with parties.** A commissioner shall not communicate, directly or indirectly, with a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that party. The commissioner shall disclose in writing to the commission any communication regarding past or future benefits or compensation within 48 hours after the communication is made. The commission may

dismiss a proceeding if an applicant, petitioner, or complainant violates this subpart.

**Subp. 3. Employee communication with parties.** A professional employee shall disclose in writing to the commission any communication regarding future benefits, compensation, or employment with a party to a pending proceeding before the commission within 48 hours after the communication is made. Reprisals must not be taken against a professional employee who complies with this subpart.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

#### **7845.0900 POST EMPLOYMENT REPRESENTATION.**

**Subpart 1. By commissioner.** A commissioner shall not represent a public utility or telephone company subject to rate regulation by the commission, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

**Subp. 2. By employee.** For one year after leaving the commission, an employee shall not represent a public utility or telephone company subject to rate regulation by the commission, before the commission on a proceeding that the employee participated in during that employment with the commission.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*

#### **7845.1000 SANCTIONS.**

**Subpart 1. Against commissioner.** A commissioner who intentionally fails to comply with this code is subject to disciplinary action under Minnesota Statutes, sections 15.0575 and 216A.036, and in accordance with Minnesota Statutes, section 43A.33.

**Subp. 2. Against employee.** An employee who intentionally fails to comply with this code is subject to disciplinary action under the applicable collective bargaining agreement, commissioner's or manager's plan, or in accordance with Minnesota Statutes, section 43A.33.

**Statutory Authority:** *MS s 216A.037 subd 3*

**History:** *12 SR 458*