

State



STATE OF
MINNESOTA

Register

HIGHLIGHTS:

Land and Water Conservation

—Executive Order from the Governor

Summer Youth Employment

—Emergency Rules from the Department of Employment Services

Continuing Education for Accountants

—Proposed Rules from the Board of Accountancy

Electric Generating Facilities and High Voltage Transmission Lines

—Proposed Rules from the Energy Agency

Catastrophic Health Expenses

—Proposed Rules from the Department of Public Welfare

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*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MCAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MCAR.

EXECUTIVE ORDERS

Executive Order No. 24A

Providing for the Assignment of Duties to State Agencies under the Land and Water Conservation Fund Act of 1965 (P.L. 94-422)

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and Laws 1965, Chapter 810, Section 21, hereby issue this Executive Order:

WHEREAS, the proper administration of the federal Land and Water Conservation Fund Act of 1965 (P.L. 88-578) required the assignment of specific duties to various state agencies;

NOW, THEREFORE, I order that:

1. The Department of Natural Resources be designated to be the state agency to act for me, in applying for, receiving and accepting federal funds granted to the State of Minnesota from the federal "Land and Water Conservation Fund Act of 1965," Public Law 94-422, and to disburse such funds to carry out the purposes for which the funds are received in accordance with Section 21 of said Chapter 810, with the exception of the authority and responsibility for the administration of the portion of the monies made available to be distributed to local units of government as stated in Laws 1965, Chapter 810, Section 21 and Subd. 4.

2. The powers in Laws 1965, Chapter 810, Section 21, Subd. 4 for the administration of the portion of the monies made available to be distributed to local units of government are hereby designated to the State Planning Agency in accordance with Laws of 1969, ch. 1139, § 48, subd. 7, g, and include the following responsibilities:

a. The signing of all project proposals, project agreements, billings, final progress reports and correspondence pertinent to local units of government provided the Department of Natural Resources is furnished a copy of all approved project agreements and amendments.

b. The maintenance of project records including fiscal records for local units of government projects.

c. The responsibility of performing final and compliance inspections and auditing local units of government records on all projects.

d. The establishment of rules, regulations and procedures pertinent to administering the Fund to local units of government subject to the approval of the State Liaison Officer.

3. Notwithstanding the powers granted to the State Planning Agency in paragraph 2, the Assistant Commissioner for Planning of Natural Resources shall be a State Liaison Officer for all Federal LAW-CON Funds received and shall have the following authority:

a. Responsibility for the overall fund and assign the local unit of government portion to the State Planning Agency.

b. Assignment to the State Planning Agency of blocks of project numbers to utilize on their projects.

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c. Total responsibility for the State's comprehensive outdoor recreation plan. Establishment of guidelines outlining the general policy and priorities on which the fund will operate and review assignment of project priorities for compliance.

d. Responsibility for all requests for federal contingency funds.

This Order shall supersede an Executive Order dated March 31, 1972, executed by Governor Wendell R. Anderson, designating the Department of Natural Resources the administrator of this Fund.

This Order shall be effective on the second day of June, 1977.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 13th day of June, 1977.



RULES

Department of Employment Services

Emergency Rule Concerning Employment of Summer Youth Under the Youth Employment Act of 1977

Readers should note that the following rule is totally new.

Purpose, scope, and definitions.

A. Purpose of rule. The purpose of this rule is to establish a procedure for the allocation of funds to prime sponsors under the Youth Employment Act of 1977, Laws, 1977, ch. 254, and to establish contracting, operating, and invoicing procedures to be utilized in the expenditure of said funds.

B. Scope of rule. This rule applies to those funds which are allocated for expenditure by public nonprofit organizations located within the jurisdiction of a prime sponsor.

C. Definition of terms. The following terms used in this rule shall have the meanings given them:

1. "Act" means the Youth Employment Act of 1977, Laws of 1977, ch. 254.

2. "Commissioner" means the Commissioner of the Minnesota Department of Employment Services.

3. "Contract" means an agreement entered into between a prime sponsor or a political subdivision and the commissioner for the operation of a youth employment program under the Act.

4. "Department" means the Minnesota Department of Employment Services.

5. "Prime Sponsor" means a unit of government, combination of units of government, a rural concentrated employment grantee, or an Indian reservation, which has entered into a grant with the United States Department of Labor to provide comprehensive manpower services under the federal Comprehensive Employment and Training Act of 1973.

6. "Program Employer" means a public nonprofit organization which employs a person or persons under the program established by the Act.

7. "Subcontract" means an agreement entered into between a prime sponsor and a political subdivision and/or public nonprofit organization for the operation of a youth employment program under the Act.

D. Allocation of funds. The commissioner shall allocate funds to counties, cities and Indian reservations in the state. All funds not allocated to Indian reservations shall be allocated to counties and cities.

1. Allocations to counties.

a. Fifty percent (50.0%) of the amount which the commissioner determines shall be allocated to counties, shall be allocated to each county on the basis of the county's share of the youth population of the state which is 16 through 21 years of age.

b. Fifty percent (50.0%) of the amount which the commissioner determines shall be allocated to counties, shall be allocated to each county according to the county's share of the youth population of the state which is 16 through 21 years of age, adjusted for:

(1) Historic summer unemployment rates in the county as evidenced for the months of June, July and August for the most recent three year period for which such data is available.

(2) The county's proportion of families below the poverty level as evidenced by 1970 Census of Population Data.

(3) Estimates of post secondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Commission.

2. Allocation to cities. After the commissioner has made an allocation for each county, each county's allocation shall be divided as follows:

a. Each city within the county which has a total population of 2500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county.

b. The remainder of the county allocation, that part which is not allocated to cities under Part D(2)(A) of this rule, shall be allocated to the county as a whole.

3. Indian reservations. The amount which the commissioner determines shall be allocated to Indian reservations, shall be allocated to each reservation based on the population of the reservation as compared to the total population of Indian reservations in the state.

E. Contracting procedures. Each prime sponsor will be offered a contract for the amount of funds allocated to its area. Upon the offer of a contract, each prime sponsor may exercise the following options:

1. Sign the contract for the entire amount of the allocation and directly administer the program.

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2. Sign the contract for the entire amount of the allocation and subcontract the operation of the program to political subdivisions and/or public nonprofit organizations within the prime sponsor's jurisdiction.

3. Designate all or a part of the allocation to be directly used by a state agency, political subdivision or a public nonprofit organization.

4. Decline the offer of contract. In such a case, the commissioner shall offer to contract directly with the cities and counties in the prime sponsor's area.

F. Operational procedures.

1. Regular program. Youth who are at least 14 years of age but less than 22 years of age, at the time they are to begin employment under the program established by the Act, are eligible for program employment. Fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. Hereinafter, this portion of the program is referred to as the "regular program".

2. Post secondary program. Notwithstanding Part F(1) of this rule, 33 1/3 percent of the funds allocated to the prime sponsor area are to be used to hire youth who are at least 18 years of age but less than 22 years of age who are certified by the Minnesota Department of Employment Services as intending to enroll or are enrolled in a post secondary educational institution in calendar year 1977. Fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. Hereinafter, this portion of the program is referred to as the "post secondary program". A partial waiver from this part may be obtained in accordance with the procedures set forth in Part H of this rule.

3. To obtain eligible youth, program employers must place a job order with the Department.

4. Eligible youth (not designated as supervisors) shall be employed at the rate of \$2.30 per hour for a period not to exceed 40 hours per calendar week and for not more than 12 weeks (\$1,104.00).

5. Program employers, at their discretion, may designate one eligible youth as a supervisor for every ten youth in his employ under the Act. Program employers who employ at least five but less than ten youth may designate one youth as a supervisor. Youth designated as supervisors may be paid \$2.55 per hour for up to 40 hours per week for a period not exceeding 12 weeks (\$1,224.00).

6. Upon signing a contract or subcontract program employers may begin employing eligible youth referred by the Department; however, no youth may be employed while attending school as a full time student. No youth may be employed beyond September 30, 1977.

G. Invoicing procedures. Invoices and specific procedures for reimbursement will be furnished to program employers by the Department.

H. Reallocation procedures.

1. Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

a. The city or county originally allocated the funds according to the formula in Part D of this rule refuses the funds.

b. The city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

2. Prime sponsors may shift funds from the post secondary portion of their program to the regular portion of their program provided that they certify in writing to the Department that they are unable to obtain sufficient youth who meet the criteria set forth in Part F(2) of this rule, and the Department concurs.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

Board of Accountancy Continuing Professional Education for and Professional Conduct of Certified Public Accountants

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Department of Commerce Hearing Room, 500 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101 on August 9, 1977, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Steve Mihalchick, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8118, either before the hearing or within five working days after the close of the hearing or for a longer period not to exceed 20 days if so ordered by the Hearing Examiner.

The proposed rules, if adopted, would establish a continuing education requirement of 120 hours of education every three years to be met by licensed certified public accountants as a condition to the retention of their licenses. In addition, the proposed rules would establish standards to be applied in determining those programs which qualify for continuing education credit, provide for reporting of credit claimed by licensees, and set forth policies to be followed by the Board in the administration and enforcement of the proposed continuing education rules. The proposed rules would also amend Minn. Rule Accy 150, Code of Professional Conduct, Rule 304C to correct clerical omissions in the text of the rule to read as follows:

Rule 304 A licensee shall furnish to his client upon request:

C. any accounting or other records belonging to or obtained for the **client which he or his firm may have had occasion to remove from the client's premises** or to receive for the client's account, but this shall not preclude him from making copies of such documents when they form the basis for work done by him (or his firm), but in no event shall the accountant have a lien on these accounting or other records. . . .

(Additions to the text of the existing rules are indicated by boldfacing.)

Copies of the proposed rules are now available and one free copy may be obtained by writing to the State Board of

Accountancy, 500 Metro Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The Board's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 214.12 and 326.18 (1976). A "statement of need" explaining why the board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Leonard A. Rapoport,
Chairman
State Board of Accountancy

Rules as Proposed

Chapter One through Chapter Fourteen: remain unchanged.

Chapter Fifteen: Code of Professional Conduct.

Accy 150. Remains unchanged.

Definitions through Rule 303. Remain unchanged.

Rule 304. A licensee shall furnish to his client upon request:

A. Remains unchanged.

B. Remains unchanged.

C. any accounting or other records belonging to or obtained for the **client which he or his firm may have had occasion to remove from the client's premises** or to receive for the client's account, but this shall not preclude him from making copies of such documents when they form the basis for work done by him (or his firm), but in no event shall the accountant have a lien on these accounting or other records:

D. through Accy 159. Remain unchanged.

PROPOSED RULES

Chapter Sixteen: Continuing Education.

Accy 160. Continuing education rules. Pursuant to the provision of Minn. Stat. § 214.12 (1976), the board prescribes the following rules establishing requirements of continuing education to be met from time to time by licensees in order to maintain their professional knowledge and competence, as a condition to continuing to practice as certified public accountants.

These rules shall become effective on January 1, 1978, or at such later date as the board may prescribe at the time of final adoption of these rules.

A. Basic requirement.

1. During the three year period immediately preceding relicensing, applicants for license renewal must complete 120 hours of acceptable continuing education except as otherwise provided under Sections Accy 160 A.3. and E. The following standards will be used to measure the hours of credit to be given for acceptable continuing education programs completed by individual applicants.

a. A one day program will be considered to equal eight hours.

b. Only class hours or the equivalent (and not student hours devoted to preparation) will be counted.

c. Service as lecturer or discussion leader of continuing education programs will be counted to the extent that it contributes to the applicant's professional competence.

2. The effective date of this requirement shall be three years after the effective date of these rules, or three years after a licensee's initial registration, whichever is later.

3. The board shall have authority to make exceptions for reasons of individual hardship including health, military service, foreign residency, retirement, or other good cause.

B. Programs which qualify.

1. The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning which contributes directly to the professional compe-

tence of an individual licensed to practice as a certified public accountant.

2. Continuing education programs will qualify only if:

a. An outline of the program is prepared in advance and preserved.

b. The program is at least one hour (fifty minute period) in length.

c. The program is conducted by a qualified instructor.

d. A record of registration or attendance is maintained.

3. The following programs are deemed to qualify provided the above criteria are met:

a. Professional development programs of recognized national and state accounting organizations.

b. Technical sessions at meetings of recognized national and state accounting organizations and their chapters.

c. University or college courses

(1) Credit courses — each semester hour credit shall equal 15 hours toward the requirement. A quarter hour credit shall equal 10 hours.

(2) Non-credit short courses.

d. Formal organized in-firm educational programs.

e. Programs in other recognized organizations (accounting, industrial, professional, etc.)

4. Formal correspondence or other individual study programs which require registration and provide evidence of satisfactory completion will qualify with the amount of credit to be determined by the board.

5. The board may look to recognized state or national accounting organizations for assistance in interpreting the acceptability of and credit to be allowed for individual courses.

C. Controls and reporting. Applicants for license re-

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newal must provide a signed statement of the continuing education programs which they claim to be acceptable showing:

1. Sponsoring organization.
2. Location of program.
3. Title of program or description of content.
4. Dates attended.
5. Hours claimed.

D. Continuing education policies. The board has adopted the following policies to assist licensees in complying with the accountancy statute and rules as they pertain to continuing education:

1. Who must comply — exceptions.

a. General. All licensees are required to comply with the continuing education requirements except those individuals not engaged in public practice, such as licensees in private industry, governmental organizations, educational institutions, or similar activities, unless those individuals in addition to their basic employment, engage in public practice, regardless of degree, or perform for compensation any services normally performed by public accountants whether or not a license is required to perform such services. The board anticipates that licensees will maintain the high standards of the profession in selecting quality education programs to fulfill the continuing education requirement.

b. Non-resident licensees. Licensees who are out-of-state residents and not engaged in public accounting in this State are excepted from the continuing education requirements until such time as they enter or reenter this State to practice public accounting. This exception also applies to non-resident licensees who are partners of public accounting partnerships or stockholders of professional accountancy corporations that are licensed by the board to do business in this State, provided such non-resident licensees do not practice public accounting in this State.

c. Attorney — CPAs. Persons occupying the dual status of Attorney at Law and Certified Public Accountant are excepted from continuing education requirements only if they do not engage in public accounting under their accounting license.

d. Retired licensees. Licensees who are retired and who do not in fact perform public accounting services to any degree whatever, although participating in

the profits of a public accounting entity, are excepted from continuing education requirements.

2. Qualifying programs — credit hours granted.

a. Acceptable subject matter and programs. The following general subject matters are acceptable so long as they contribute to the professional competence of the individual practitioner.

- (1) Accounting and Auditing.
- (2) Taxation.
- (3) Management Services.
- (4) Computer Science.
- (5) Communication Arts.
- (6) Mathematics, Statistics, Probability and Quantitative Applications in Business.
- (7) Economics.
- (8) Business Law.
- (9) Functional Fields of Business.
 - (a) Finance.
 - (b) Production.
 - (c) Marketing.
 - (d) Personnel Relations.
 - (e) Business Management and Organization.
- (10) Social Environment of Business.
- (11) Specialized Areas of Industry; e.g., Film Industry, Real Estate, Farming, etc.
- (12) Administrative Practice; e.g., Engagement Letters, Fee Structures, Personnel, etc.

Areas other than those listed above may be acceptable if the licensee can demonstrate that they contribute to his professional competence. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests solely with the licensee.

b. Credit hours granted — general. Continuing education credit will be given for whole hours only, with

PROPOSED RULES

a minimum of 50 minutes constituting one hour. As an example, 100 minutes of continuous instruction would count for two hours, however, more than 50 minutes but less than 100 minutes of continuous instruction would count only for one hour. A one day program qualifying for 8 hours of credit is any program the timing of which requires participants to be absent from their work for a normal working day. Travel time cannot be claimed.

c. Credit for individual study programs. In determining the amount of credit to be allowed for specific correspondence and individual study programs (including taped study programs), the board will determine the equivalency of the program to a comparable seminar or a comparable course for credit in an accredited educational institution. Licensees claiming credit for such courses will be required to obtain evidence of satisfactory completion of the course from the program sponsor. Credit will be allowed in the renewal period in which course is completed.

d. Credit for service as lecturer, discussion leader, or speaker. Credit for one hour of continuing education will be awarded for each hour completed as an instructor or discussion leader to the extent that the particular activity contributes to the professional competence of the licensee as determined by the board. Credit as an instructor, discussion leader, or speaker will be allowed for any meeting or engagement provided that the session is one which would meet the continuing education requirements of those attending. The credit allowed an instructor, discussion leader, or a speaker will be on the basis of a maximum of two hours for actual subject preparation time for each hour of teaching. The maximum credit for such preparation and teaching will not exceed 50% of the renewal period requirement. Credit for licensees attending not as instructors, discussion leaders, or speakers is limited to the actual meeting time.

e. Credit for published articles, books, etc. Credit may be allowed for published articles and books provided they contribute to the professional competence of the licensee. The amount of credit so awarded will be determined by the board. Credit for preparation of such publications may be given on a self-declaration basis up to 25% of the renewal period requirement. In exceptional circumstances a licensee may request additional credit by submitting the article(s) or book(s) to the board with an explanation of the circumstances which he feels justify a greater credit.

f. Credit for committee meetings. Participation

in committee meetings of recognized professional societies, which are structured as educational programs, may qualify if they meet the appropriate requirements.

g. Credit for dinner and luncheon meetings, etc. Dinner, luncheon and breakfast meetings of recognized accounting organizations may qualify if they meet the appropriate requirements.

h. Credit for firm meetings, etc. Firm meetings for staff or management groups may qualify if they meet the appropriate requirements. Portions of such meetings devoted to administrative and firm matters cannot be included.

3. What is a qualified instructor? A qualified instructor or discussion leader is anyone whose background training, education or experience makes it appropriate for him to lead a discussion on the subject matter of the particular program.

4. Evidence of completion — retention. Primary responsibility for documenting the requirements rests with the licensee and evidence to support fulfillment of those requirements must be retained for a period of four years after the completion of educational courses.

Satisfaction of the requirements under B-2, including the retention of attendance records and written outlines, may be accomplished as follows:

a. In the case of courses taken for scholastic credit in accredited universities and colleges (state, community, or private) or high school districts, evidence of satisfactory completion of the course will be sufficient.

b. In all other instances, the licensee must maintain an outline and evidence of attendance. In the case of non-credit courses taken in educational institutions, a signed statement of the hours of attendance must be obtained from the instructor.

5. Verification. The board will verify on a test basis, information submitted by licensees. If an application for license renewal is not approved the applicant will be so notified and he may be granted a period of time by the board in which to correct the deficiencies noted.

6. Reciprocity. An individual who holds a valid and unrevoked certified public accountant certificate issued by any state or other political subdivision of the United

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PROPOSED RULES

States, or comparable certificate or degree issued by any foreign country, and who receives a license to practice in this State under the appropriate provisions of the accountancy law, will be required to comply with the continuing education requirement on a pro rata basis when his license is next renewed and each succeeding three year period thereafter.

7. **Reentry to public practice.** A licensee reentering public practice from areas such as private industry, government or education or who otherwise has been exempted from the provisions of the continuing education requirement, shall notify the board upon reentry and will be required to comply with the continuing education requirement on a pro rata basis when his license is next renewed and each succeeding three year period thereafter.

8. **License renewal.** To renew an unexpired license, a certificate holder or registrant shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board, pay the renewal fee prescribed and give evidence to the board that he has complied with the continuing education provisions.

E. All licensees may use acceptable continuing education programs from May 31, 1977, to meet the required number of hours for the first reporting period.

Chapter Seventeen through Chapter Twenty-One: Remain unchanged.

Energy Agency Contents of Applications for Certificate of Need and Criteria for Assessment of Need for Large Electric Generating Facilities and Large High Voltage Transmission Lines

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room D of the Veterans Service Building, 20 West 12th Street and Columbus Avenue between Wabasha and Iglehart, Saint Paul, on August 4, 1977, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally or in writing at the hearing and written materials may be submitted by mail to William Seltzer, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota, 55104, telephone (612) 296-8105, either before the hearing or within five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner.

The proposed rule amendments, if adopted, would improve, make more precise, and expand upon the current rules governing contents of applications for certificates of need for large electric generating facilities and large high voltage transmission lines. Also, the criteria for assessment of need would be changed to allow greater consideration of (1) alternatives to a proposed facility, (2) relative costs of the proposed facility and alternatives, and (3) relative environmental effects of the proposed facility and alternatives. Certain rule amendments would clarify the purpose of the rules, the applicability of the rules, and the procedures for filing an application. The section of the rules considering alternatives would be expanded to require information on a greater number of alternatives, especially those that have been suggested by intervenors in past certificate of need hearings. A section on conservation programs would be added to give more explicit consideration to this important topic, pursuant to Minn. Stat. § 116H.13, subd. 3(2) (1976). A section on environmental data would be added to provide the Agency with background information to prepare an environmental report pursuant to newly promulgated Minn. Rule MEQC 25(g) and to evaluate the relative environmental consequences of the proposed facility and various alternatives. Finally, forecasting requirements would be modified slightly to more clearly require the information needed by the director to assess the accuracy of an applicant's forecast, pursuant to Minn. Stat. § 116H.13, subd. 3(1) (1976).

Copies of the proposed amended rules are now available and one free copy may be obtained by writing to the Minnesota Energy Agency, 740 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, 55101. Copies will also be available at the door on the date of the hearing. The Agency's authority to promulgate the proposed amended rules is contained in Minn. Stat. §§ 116H.08(a) and 116H.13 (1976). A Statement of Need presenting facts showing the need for and reasonableness of the proposed amendments and a Statement of Evidence summarizing the evidence to be presented at the hearing in support of the proposed amendments will be filed at the Office of Hearing Examiners at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lob-

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bying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota, 55155, telephone (612) 296-5615.

John P. Millhone
Director

Rules as Proposed

Chapter Six: EA 601-638.

EA 601 Definitions.

A. "Adjusted Net Demand" means system demand, minus firm purchases, plus firm sales;

B. "Adjusted Net Capability" means net generating capacity, minus participation sales, plus participation purchases;

[B.] C. "Agency" means the Minnesota Energy

[B.] C. "Agency" means the Minnesota Energy Agency;

[C.] D. "Annual Adjusted Net Demand" means annual system demand, minus firm purchases, plus firm sales;

[D.] E. "Annual Electrical Consumption" means sales of kilowatt-hours of electricity to ultimate consumers over a twelve-month period beginning January 1[st] and ending December 31[st] of the forecast year;

[E. "Annual Plant Efficiency" means the ratio of the electrical energy leaving a power plant to the fuel energy used to produce that amount of electricity expressed as a percentage;]

F. "Annual System Demand" means the highest system demand occurring during the twelve-month period beginning May 1[st] of the forecast year;

G. "Director" means the director of the Minnesota Energy Agency;

H. "Firm Purchases" and "Firm Sales" mean[s] the

amount of power to be purchased or sold **which is intended to have assured availability;**

I. "Forecast Years" means the 26 calendar years consisting of the calendar year the application is filed with the agency, the ten previous calendar years, and the fifteen subsequent calendar years;

J. "Heat Rate" means a measure of average thermal efficiency of an electric generating facility expressed as the ratio of input energy per net kilowatt-hour produced, computed by dividing the total energy content of fuel burned for electricity generation by the resulting net kilowatt-hour generation;

[J.] K. "Large Electric Generating Facility (LEGF)" means any electric power generating plant or combination of plants at a single site and associated facilities designed for or capable of operation at a combined capacity of 50,000 kilowatts or more, **or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been applied for by May 19, 1977, pursuant to Minn. Reg. APC 3(a)** [including, but not limited to, fossil fuel, nuclear fuel, pumped storage and hydro-electric plants];

[K.] L. "Large High Voltage Transmission Line (LHVTL)" means a conductor of electrical energy and associated facilities designed for and capable of operation at a nominal voltage of 200 kilovolts or more [having] **with more than [100] 50 miles (80.4 kilometres) of its length in Minnesota, or at a nominal voltage of 300 kilovolts or more with more than 25 miles (40.2 kilometres) of its length in Minnesota.** Associated facilities shall include, but not be limited to, insulators, towers, and substations and terminals operating at [a] **the nominal voltage [of 200 kilovolts or more];**

[L.] M. "Load Center" means that portion or **those** portions of a utility's system where electrical energy demand is concentrated;

[M.] N. "Load Factor" means the ratio of the average load in kilowatts supplied during a designated period to the maximum load in kilowatts that was supplied during that designated period;

[N.] O. "Minnesota Service Area" means that portion of a utility's system lying within Minnesota;

[O.] P. "Net Generating Capacity" means the total

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[amount] **number** of kilowatts, less station use, that all the generating facilities of a system could supply at the time of its maximum system demand. The capability of the generating units which are temporarily out of service for maintenance or repair shall be included in the net generating capacity;

[P.] **Q.** "Net Reserve Capacity Obligation" means the annual adjusted net demand multiplied by the percent reserve capacity requirement;

[Q.] **R.** "Participation Power" means power and energy which [is] **are** sold from a specific generating unit or units for a period of six or more months on a continuously available basis (except when such unit or units are temporarily out of service for maintenance during which time the delivery of energy from other generating units is at the seller's option);

[R.] **S.** "Participation Purchases" and "Participation Sales" mean purchases and sales under a participation power agreement or a seasonal participation power agreement;

[S.] **T.** "Peak Demand" means the highest system demand occurring within any designated period of time;

[T.] **U.** "Seasonal Adjusted Net Demand" means seasonal system demand, minus firm purchases, plus firm sales;

[U.] **V.** "Seasonal Participation Power" means participation power sold and bought on a seasonal (summer or winter) basis;

[V.] **W.** "Seasonal System Demand" means the maximum system demand on the applicant's system which occurs or is expected to occur in any normal six summer months or six winter months;

[W.] **X.** "Summer [Months] **Season**" means the period from May 1[st] through October 31[st]; ["Winter Months" means the period from November 1st through April 30th;]

[X.] **Y.** "System" means **the geographic area where the utility's ultimate consumers are located** and that combination of generating, transmission, and distribution facilities which makes up the operating physical plant of the utility, whether owned or nonowned, for the delivery of electrical energy to ultimate consumers [and includes the geographic area where the utility's ultimate consumers are located];

[Y.] **Z.** "System Demand" means the number of kilowatts which is equal to the kilowatt-hours required in any clock hour, attributable to energy required by the system during such hour for supply of firm energy to ultimate consumers, including system losses, and also including any

transmission losses occurring on other systems and supplied by the system for transmission of firm energy, but excluding generating station uses and excluding transmission losses charged to another system;

A₁. "Ultimate [c]Consumers" means consumers purchasing electricity for their own use and not for resale;

[Z.] B₁. "Utility" means any entity engaged in the generation, transmission or distribution of electrical energy, including but not limited to a private investor-owned utility or a public or municipally-owned utility; and

C₁. "Winter Season" means the period from **November 1 through April 30.**

EA 602 Purpose of rules. The purpose of these rules is to specify the contents of applications for certificates of need and to specify criteria for the assessment of need for large electric generating facilities and large high voltage transmission lines. In accordance with Minn. Stat. § 116H.13 subd. 2, no LEGF or LHVTL shall be sited or constructed in Minnesota without the issuance of a certificate of need by the director pursuant to Minn. Stat. §§ 116H.01 through 116H.15 and consistent with the criteria for assessment of need.

EA 603 Applicability of rules. Each person applying for a certificate of need for an LEGF or an LHVTL shall provide all information required by these rules. A certificate of need is required for each new LEGF, each new LHVTL, and for each expansion of either such facility, which expansion is itself of sufficient size to come within the definition in either rule EA 601 J. or rule EA 601 K.

EA 604 Application procedures and timing.

A. Each applicant for a certificate of need shall apply in a form and manner prescribed by the director.

B. A minimum of fifty (50) bound copies and one (1) unbound copy of the application must be filed with the director. The director may require additional bound copies, not to exceed 100 bound copies total. All documents, forms, and schedules filed with the application must be typed on 8½" × 11" paper except for drawings, maps, and similar materials. The date of preparation and the applicant's name shall appear on each page of the application, as well as on each document filed with the application. Each application shall contain a title page and a complete table of contents which includes the applicable rule by the titles and numbers given in these rules.

C. Subsequent to the filing of an application, any changes or corrections to the application shall comply

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with rule EA 604 B. as to the number of copies and size of documents. In addition, each page of a change or correction to a previously filed page shall be marked with the word "REVISED" and with the date the revision was made. The original copy of the changes or corrections shall be filed with the hearing examiner, and the remaining copies shall be submitted to the director.

D. Each application for a certificate of need shall be accompanied by a cover letter signed by an authorized officer or agent of the applicant. The cover letter shall specify the type of facility for which a certificate of need is requested, the number of copies filed, and the rules and subdivisions thereof to which the applicant has responded.

E. A hearing examiner shall be appointed and a public hearing shall be scheduled to commence no later than eighty days after the receipt of the application, in accordance with Minnesota Energy Agency Rules of Procedure Governing Certificate of Need Program, Minn. Regs. EA 500 et seq., and the Hearing Examiner Rules for Contested Case Procedures, Minn. Regs. HE 201 et seq.

F. A decision on an application for a certificate of need shall be made by the director no later than six months from the receipt of the application, provided that the application as received is substantially complete.

G. The director shall notify the applicant within 15 days of the receipt of an application if the application is not substantially complete. Upon such notification, the applicant may correct any deficiency and may resubmit the application. A decision shall be made upon the revised application within six months of the date of resubmission, assuming it is then substantially complete.

H. Prior to the submission of an application, a person may be exempted from any data requirement of these rules upon a written request to the director for exemption from specified rules and a showing by that person in the request that the data requirement 1) is unnecessary to determine the need for the proposed facility or 2) may be satisfied by submission of another document. A request for exemption must be filed at least 20 days prior to submission of an application. The director shall respond in writing to each such request within 15 days of receipt including reasons for his decision. The director shall file a statement of exemptions granted and reasons therefor prior to commencement of the hearing.

EA 605 Filing fees and payment schedule. The fee for processing an application shall be:

A. \$10,000 plus \$50 for each megawatt of plant capacity for LEGF's; or

B. \$10,000 plus \$40 per kilovolt of rated capacity for LHVTL's; plus such additional fees as are reasonably necessary for completion of the evaluation of need for the proposed facility. In no event shall the total fee required of any applicant exceed \$50,000. Twenty-five percent of the fee set according to either item A. or B. of rule EA 605 shall accompany the application, and the balance shall be paid in three equal installments within 45, 90, and 135 days after submission of the application. The applicant shall be notified prior to the time its application is acted upon by the director of any additional fees, which fees shall be paid within 30 days of notification. The billing of such additional fees shall be accompanied by an itemized document showing the necessity for the additional assessment. No certificate of need shall be issued until all fees are paid in full.

EA 611 Criteria for assessment of need.

[A. Level of Reliability. An application shall be granted if it is determined that the probable result of denial of the application will be an unacceptable level of reliability of electric service to ultimate consumers in Minnesota or in neighboring states. In examining the effect of denial of an application, the following factors shall be considered:

1. the future demand for electricity in the applicant's system, including:
 - a. the accuracy of the applicant's forecast of demand;
 - b. the effects of existing conservation programs or other state and federal programs on future demand;
2. the ability of current facilities and planned facilities not requiring a certificate of need to meet the future demand for electricity;
3. alternative ways of meeting the demand;
4. the appropriateness of the applicant's system reserve margin; and
5. the appropriateness of the size, type and the timing of the proposed facility.

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B. Socially Beneficial Uses. An application shall also be granted if a determination is made that the socially beneficial uses of the output of the proposed facility, including its uses to protect or enhance environmental quality, are deemed significant to justify the need for the facility. In making this determination, the following factors shall be considered:

1. the effect of promotional activities in giving rise to demand for the proposed facility;
2. the effects of the facility in inducing further developments; and
3. the policies, rules and regulations of other state and federal agencies and local governments.]

A. Purpose of the criteria. The criteria for assessment of need shall be used by the director in the determination of the need for a proposed large energy facility pursuant to Minn. Stat. §§ 116H.01 through 116H.15. The factors listed under each of the criteria below shall be evaluated to the extent that the director deems them applicable and pertinent to each facility proposed pursuant to these rules.

B. A certificate of need shall be granted to the applicant if it is determined that:

1. the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states. In making this determination, the director shall consider:

a. the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;

b. the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;

c. the effects of promotional practices which may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;

d. the ability of current facilities and planned facilities not requiring certificates of need to meet the future demand; and

e. the effect of the proposed facility in making more efficient use of resources;

2. a more reasonable and prudent alternative to the

proposed facility has not been demonstrated. In making this determination, the following factors shall be considered:

a. the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;

b. the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;

c. the impact of the proposed facility upon the natural and socioeconomic environments compared to the impacts of reasonable alternatives; and

d. the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;

3. the consequences of granting the certificate of need are more favorable than the consequences of denying the certificate, considering:

a. the relationship of the proposed facility to overall state energy needs;

b. the impact of the proposed facility upon the natural and socioeconomic environments compared to the impact of not building the facility;

c. the effects of the proposed facility in inducing future development; and

d. the socially beneficial uses of the output of the proposed facility, including its uses to protect or enhance environmental quality;

and that

4. it has not been demonstrated on the record that the design, construction or operation of the proposed facility will fail to comply with those relevant policies, rules and regulations of other state and federal agencies and local governments which have been considered during the hearing process.

[EA 621 GENERAL PROVISIONS

A. Applicability

1. Large Electric Generating Facilities. Any applicant for a certificate of need for a LEGF shall provide all information required by EA 631-638 for its system.

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2. Large High Voltage Transmission Lines. Any applicant for a certificate of need for a LHVTL shall provide all information required by EA 631-638 for its system.

a. if the proposed LHVTL is designed primarily to bring electric power from a generating facility or a system outside of Minnesota to the applicant's distribution network, or if the proposed LHVTL is designed to deliver electric power from a generating facility within Minnesota to a distribution network or a system, all the information required by EA 631-638 shall be provided for the applicant's system;

b. if the proposed LHVTL is designed primarily to deliver electric power from one or more of the applicant's generating facilities or its transmission network in Minnesota to a load center in the applicant's system, all information required by EA 631-638 shall be provided for the applicant's system or service area; provided, however, that the information required by EA 635 and EA 646 shall also be provided for the load center which the proposed LHVTL will serve; or

c. if the proposed LHVTL will connect one system to another for the purpose of power sharing or reducing system reserve requirements, all information required by EA 631-638 shall be provided for both systems.

3. Joint Ownership. If the proposed LEGF or LHVTL for which a certificate of need is sought will be owned jointly by two or more utilities or by a pool, all information required by EA 631-638 shall be provided for the system or service area of each joint owner and for the commonly owned system.

B. Estimates. When recorded data is not available, or when the applicant does not use the required data in preparing its own forecast, the applicant shall use an estimate and indicate in the forecast documentation section (EA 635 C.) the procedure(s) used in deriving the estimate.

C. Fees. The fee for processing an application shall be:

1. \$10,000 plus \$50 for each megawatt of plant capacity for LEGF's; or

2. \$10,000 plus \$40 per kilovolt of rated capacity for LHVTL's;

plus such additional fees as are reasonably necessary for completion of the evaluation of the need for the proposed facility. In no event shall the total fees required of any

applicant exceed \$50,000. Twenty-five percent of the set fee shall accompany the application, and the balance shall be payable in three equal installments within 45, 90, and 135 days after submission of an application. The applicant shall be notified when its application is acted on by the director of any additional fees and shall pay them within 30 days of notification. The billing for such additional fees shall be accompanied by an itemized document showing the necessity for the additional fees assessed.]

EA 631 Contents of application.

[Every application for a certificate of need for a large electric generating facility or a large high voltage transmission line shall substantially conform to the requirements of EA 632-637 subject to the conditions stated in EA 621.]

A. Large electric generating facilities. Each application for a certificate of need for an LEGF shall include all of the information required by rules EA 632, 633, and 635-639.

B. Large high voltage transmission lines. Each application for a certificate of need for an LHVTL shall include all of the information required by rules EA 632 and 634-639. If, however, a proposed LHVTL is designed to deliver electric power to a particular load center within the applicant's system, the application shall contain the information required by rules EA 635 for that load center rather than for the system as a whole.

C. Joint ownership and multi-party use. If the proposed LEGF or LHVTL is to be owned jointly by two or more utilities or by a pool, all information required by rules EA 632, 635-637 and 639 shall be provided by each joint owner for its system. If the facility is designed to meet the long-term needs (in excess of 50 megawatts) of a particular utility which is not to be an owner, that utility shall also provide all information required by rules EA 632, 635-637 and 639.

EA 632 Need summary and additional considerations.

A. Need summary. Each application shall contain a summary of the major factors which justify the need for the proposed facility. This summary shall not exceed, without the approval of the director, 15 pages in length, including text, tables, graphs, and figures.

B. Additional considerations. Each application shall contain an explanation of the relationship of the proposed facility to each of the following socioeconomic considerations:

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1. socially beneficial uses of the output of the facility, including its uses to protect or enhance environmental quality;

2. promotional activities which may have given rise to the demand for the facility; and

3. the effects of the facility in inducing future development.

EA 633 Description of proposed large electric generating facility **and alternatives**. Each application for a proposed LEGF shall include the following information:

A. a description of the type of facility, including[;] :

1. a description of the generating capacity of the facility, which includes a discussion of the effect of the economies of scale on the facility size and timing;

2. a description of the anticipated operating cycle, including the expected annual capacity factor;

3. the type of fuel used, including:

a. the reason for the choice of fuel;

b. projection of the availability of this fuel type over the projected life of the facility; **and**

c. alternate fuels, if any; **and**

4. the anticipated [annual plant efficiency] **heat rate of the facility**;

B. a discussion of the availability of alternatives to the facility, including but not limited to:

1. purchased power;

2. increased efficiency of existing facilities, **including transmission lines**;

3. **new transmission lines**; **and**

4. **new generating facilities of a different size or using a different energy source (fuel oil, natural gas, coal, nuclear fission, and the emergent technologies)**;

C. for the proposed facility and for each of the alternatives provided in response to rule EA 633 B. that could provide electric power at the asserted level of need, a discussion of:

1. its capacity cost in current dollars per kilowatt;

2. its service life;

3. its estimated average annual availability;

4. its variable operating and maintenance costs in current dollars per kilowatt-hour;

5. the total cost in current dollars of a kilowatt-hour provided by it; and

6. any major assumptions made in providing the information in items 1. through 5. above;

[C.] D. a map (of appropriate scale) showing the applicant's system; and

[D.] E. such other information about the **proposed facility and each alternative** as may be relevant to determination of need.

EA 634 Description of proposed large high voltage transmission line **and alternatives**. Each application for a proposed LHVTL shall include the following information:

A. a description of the type and general location of the proposed line, including:

1. the design voltage;

2. [the design power capability] **the number, the size(s) and the type(s) of conductor(s)**;

3. the expected losses [at the design voltage and at the design current] **under projected maximum loading** in the length of the transmission line and at the terminals or substations;

4. the approximate length of the proposed transmission line and the portion of that length in Minnesota; and

5. the approximate location of DC terminals or AC substations, [(this) **which** information shall be on a map of appropriate scale[]];

B. a discussion of the availability of alternatives to the facility, including but not limited to:

1. new generation; [and]

2. upgrading of existing transmission lines or existing generating facilities;

3. **transmission lines with different design voltages or with different numbers, sizes and types of conductors**;

4. **transmission lines with different terminals or substations**;

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5. double circuiting of existing transmission lines;

6. if the proposed facility is for DC (AC) transmission, an AC (DC) transmission line; and

7. if the proposed facility is for overhead (underground) transmission, an underground (overhead) transmission line;

C. for the proposed facility and for each of the alternatives provided in response to rule EA 634 B. that could provide electric power at the asserted level of need, a discussion of:

1. its total cost in current dollars;

2. its service life;

3. its estimated average annual availability;

4. its estimated annual operating and maintenance costs in current dollars; and

5. any major assumptions made in providing the information in items 1 through 4 above;

[C.] D. a map (of appropriate scale) showing the applicant's system of load center to be served by the proposed LHVTL; and

[D.] E. such other information about the proposed facility and each alternative as may be relevant to determination of need.

EA 635 Peak demand and annual electrical consumption forecast.

A. Scope. Each application shall contain pertinent data concerning peak demand and annual electrical consumption within the applicant's service area and system, [except] as provided in rule EA [621 A] 631, including but not limited to the data requested in subsection B of rule EA 635. **When recorded data is not available, or when the applicant does not use the required data in preparing its own forecast, the applicant shall use an estimate and indicate in the forecast justification section (EA 635 C.) the procedure(s) used in deriving the estimate. The application shall clearly indicate which data are historical and which are projected. It is expected that data provided by the applicant should be reasonable and internally consistent.**

B. Content of forecast. For each forecast year, the following data shall be provided:

1. when the applicant's service area includes areas other than Minnesota, annual electrical consumption by ultimate consumers within the applicant's Minnesota service area;

2. [annual electrical consumption by ultimate consumers within the applicant's system in] **for each of the following categories, the number of ultimate consumers within the applicant's system and annual electrical consumption by those consumers:**

a. farm, excluding irrigation and drainage pumping[.] ([F]for reporting purposes, any tract of land used primarily for agricultural purposes shall be considered farm land);

b. irrigation and drainage pumping;

c. nonfarm residential[.]([W]when electricity is supplied through a single meter for both residential and commercial uses, it shall be reported according to its principal use[.], and [A]apartment buildings shall be reported as residential even if not separately metered);

d. commercial[.]([T]this category shall include wholesale and retail trade; communication industries; public and private office buildings, banks, **and** dormitories[.]; insurance, real estate and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; recreational, social, religious, and amusement facilities; governmental units, excluding military bases; warehouses [()other than manufacturer owned()]; electric, gas, water and water pumping, excluding water pumping for irrigation, and other utilities);

e. mining;

f. industrial[.] ([T]this category shall include all manufacturing industries, construction operations and petroleum refineries);

g. street and highway lighting;

h. electrified transportation[.] ([T]this category shall include energy supplied for the propulsion of vehicles, but shall not include energy supplied for office buildings, depots, signal lights or other associated facilities which shall be reported as commercial or industrial);

i. other[.] ([T]this category shall include municipal

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water pumping facilities, oil and gas pipeline pumping facilities, military camps and bases; and all other consumers not reported in categories a through h); and

j. the sum of categories a through i;

3. an estimate of [the demand for power by ultimate consumers in the applicant's system for each of the categories listed in subsection 2. at the time of the applicant's system peak demand. The required estimate contained in this subparagraph may be waived by the director in his discretion upon a showing by the applicant that preparation of such an estimate would be unnecessarily burdensome] **the demand for power in the applicant's system at the time of system peak demand, including an estimated breakdown of the demand into the consumer categories listed in rule EA 635 B. 2;**

4. the applicant's system peak demand by month; **and**

[5. the applicant's monthly average system daily load factor;]

[6.] **5.** the applicant's monthly system weekday load factor[;], and

[7. the applicant's monthly average system weekend load factor.]

C. Forecast [Documentation] **justification.**

1. Forecast methodology. Each applicant may use [whatever] a forecast methodology [yields the most useful results for its system] **of its own choosing, with due consideration given to cost, manpower requirements and data availability. However, any forecast data provided by the applicant shall be subject to tests of accuracy, reasonableness and consistency.** [t]The applicant shall detail the forecast methodology employed to obtain the forecasts provided under section B. **of rule EA 635**, including:

a. the overall methodological framework which is used;

b. the specific analytical techniques which are used, their purpose, and the component(s) of the forecast to which they have been applied;

c. the manner in which these specific techniques are related in producing the forecast;

d. where statistical techniques have been used:

(1) the purpose of the technique;

(2) typical computations (e.g., computer print-outs, formulas used), specifying variables and data; and

(3) the results of appropriate statistical tests;

e. forecast confidence levels or ranges of accuracy for annual peak demand and annual electrical consumption, **as well as a description of their derivation;**

f. a brief analysis of the methodology used, including:

(1) its strength and weaknesses;

(2) its suitability to the system;

(3) cost considerations;

(4) data requirements;

(5) past accuracy; and

(6) other factors considered significant by the applicant; **and**

g. an explanation of any discrepancies which appear between the forecasts presented in the application and the forecasts submitted to the Agency under Minn. Regs. EA [206] **201 et seq.** or in the previous certificate of need proceedings.

2. Data base for forecasts. The applicant shall discuss the data base used in arriving at the forecast presented in [his] **its** application, including:

a. a complete list of all data sets used in making the forecast, including a brief description of each data set and an explanation of how each was obtained, (e.g., monthly observations, billing data, consumer survey, etc.) or a citation to the source (e.g., population projection from the state demographer's office);

b. a clear identification of any adjustments made to raw data in order to adapt them for use in forecasts, including:

(1) the nature of the adjustment;

(2) the reason for the adjustment; and

(3) the magnitude of the adjustment.

The applicant shall provide to the director or the hearing examiner on demand copies of all data sets used in making the forecasts, including both raw and adjusted data, input and output data.

3. Assumptions and special information.

a. Discussion. The applicant shall discuss each es-

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essential assumption made in preparing the forecast, including:

- (1) the need for the assumption;
- (2) the nature of the assumption; and

(3) the sensitivity of forecast results to variations in the essential assumptions.

b. Subject of assumption. The applicant shall discuss the assumptions made regarding:

(1) the availability of alternative sources of energy;

(2) the expected conversion from other fuels to electricity or vice versa;

(3) future prices of electricity for customers in the applicant's system and the effect that such price changes will likely have on the applicant's system demand;

(4) the assumptions made in arriving at any data requested in [section] **rule EA 635 B.** which is not available historically or not generated by the applicant in preparing [his] **its** own internal forecast;

(5) the effect of existing energy conservation programs under federal or state legislation on long-term electrical demand; and

(6) any other factor considered by the applicant in preparing the forecast.

4. Coordination of forecasts with other systems. The applicant shall provide:

a. a description of the extent to which the applicant coordinates its load forecasts with those of other systems, such as neighboring systems[,] **and** associate systems in a power pool[,] or coordinating organization; and

b. a description of the manner in which such forecasts are coordinated, and any problems experienced in efforts to coordinate load forecasts.

EA 636 System capacity. The applicant shall describe the ability of its existing system to meet the demand for electrical energy forecast in **response to rule EA 635** and the extent to which the proposed facility will increase this capability. In preparing this description, the applicant shall present the following information:

A. [Power Planning Programs. A]a brief discussion of power planning programs, including criteria, applied to the applicant's system and to the power pool or area within which the applicant's planning studies are based;

B. [Firm Purchases and Firm Sales. T]the applicant's seasonal firm purchases and seasonal firm sales for each utility involved in each transaction for each of the forecast years;

C. [Participation Purchases and Participation Sales. T]the applicant's seasonable participation purchases and seasonal participation sales for each utility involved in each transaction for each of the forecast years;

D. [Load and Generation Capacity Data. The information presented in this subsection shall not include any purchases, sales or generation capability which are contingent on a certificate of need which has not yet been issued. Subject to this constraint the following information shall be provided for each of the forecast years] **for the summer season and for the winter season corresponding to each forecast year, the load and generation capacity data requested in items 1. through 13. below, including all anticipated purchases, sales, capacity retirements and capacity additions, except those which depend on certificates of need not yet issued by the Agency:**

1. [S]seasonal [S]system [D]demand;
2. [A]annual [S]system [D]demand;
3. [T]total [S]seasonal [F]firm [P]purchases;
4. [T]total [S]seasonal [F]firm [S]sales;
5. [S]seasonal [A]adjusted [N]net [D]demand (1 - 3 + 4);
6. [A]annual [A]adjusted [N]net [D]demand (2 - 3 + 4);
7. [N]net [G]generating [C]capacity;
8. [T]total [P]participation [P]purchases;
9. [T]total [P]participation [S]sales;
10. [A]adjusted [N]net [C]capability (7 + 8 - 9)
11. [N]net [R]reserve [C]capacity [O]obligation;

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12. [T]total [F]firm [C]capacity [O]obligation (5 + 11); and

13. [S]surplus or [D]deficit (-) [C]capacity (10 - 12);

E. [Load Capacity and Reserve as Projected with the Proposed Facility in Operation. For each of the fifteen years subsequent to the filing of the application, the information requested in section D shall be provided] **for the summer season and for the winter season corresponding to each forecast year subsequent to the year of application, the load and generation capacity data requested in items 1. through 13. of rule EA 636 D,** including purchases, sales and generating capability contingent on the proposed facility;

F. [Load Capacity and Reserve as Projected. For each of the fifteen years subsequent to the filing of the application the information requested in section D shall be provided including purchases, sales, and generating capacity associated with all new facilities proposed by the applicant] **for the summer season and for the winter season corresponding to each forecast year subsequent to the year of application, the load and generation capacity data requested in items 1. through 13. of rule EA 636 D, including all projected purchases, sales and generating capability;**

G. [Proposed Capacity Additions and Proposed Capacity Retirements. F]for each of the [fifteen] forecast years subsequent to the [filing] year of [the] application, a list of proposed additions and retirements in net generating capability [shall be provided. If any addition is expected to require a certificate of need], **including the probable date of application [shall also be given] for any addition which is expected to require a certificate of need;**

H. [Load, Capacity Profile. F]for the previous calendar year, the current year, the first full calendar year before the proposed facility is expected to be in operation and the first full calendar year of operation of the proposed facility, a graph of monthly adjusted net demand **and monthly adjusted net capability**, [shall be provided. The applicant shall on each of these graphs also plot the sum of monthly adjusted net demand] **as well as a plot on the same graph of the difference between the adjusted net capability and actual, planned, or estimated maintenance outages of generation and transmission facilities [and shall plot on the same graphs the adjusted net capability]; and**

I. [Reserve Requirements. The applicant shall describe its] **a discussion of the appropriateness of and the method of determining system reserve margins, [including a discussion of] considering the probability of forced outages of generating units, deviation from load forecasts, scheduled maintenance outages of generation and transmission**

facilities, power exchange arrangements as they affect reserve requirements, and transfer capabilities.

EA 637 Conservation programs. Each application shall include the following information:

A. the name of the energy committee, department or individual responsible for the applicant's energy conservation programs;

B. a list of the applicant's conservation and energy efficiency goals and objectives;

C. a description of the specific energy conservation programs the applicant has considered and a list of those which have been implemented;

D. a description of the major accomplishments which have been made by the applicant with respect to energy conservation or energy efficiency;

E. a description of the applicant's future plans with respect to energy conservation and energy efficiency; and

F. a quantification of the manner by which these programs affect or help determine the forecast provided in response to rule EA 635 B.

EA 638 Environmental data. Each applicant shall provide environmental data for the proposed facility and for each alternative considered in detail in response to rule EA 633 C. or rule EA 634 C. Information relating to construction and operation of each of these alternatives shall be provided as indicated below, to the extent that such information is reasonably available to the applicant and applicable to the particular alternative. Where appropriate, the applicant shall submit data for a range of locations in the state, and a range of possible facility designs. Major assumptions should be stated, and references should be cited where appropriate.

A. Generating facilities. The applicant shall provide the following information for each alternative which would involve construction of an LEGF.

1. the amount of land required by the facility for different designs and topography;

2. the amount of vehicular, rail and barge traffic generated by construction and operation of the facility;

3. for fossil-fueled facilities:

a. the expected source(s) of fuel for the facility;

b. the maximum and typical fuel requirement (in

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tons per hour, gallons per hour, or thousand cubic feet per hour) during operation at rated capacity and the expected annual fuel requirement at the expected capacity factor;

c. the expected range of the heat value of the fuel (in Btu per pound, Btu per gallon or Btu per thousand cubic feet) and the expected average heat value of the fuel; and

d. the expected content of sulfur, ash and moisture in the fuel;

4. for fossil-fueled facilities:

a. the maximum and typical emissions of sulfur dioxide, nitrogen oxides, particulates and trace elements in pounds per hour during operation at rated capacity; and

b. the maximum contributions to 24-hour average ground level concentrations described as isopleths of sulfur dioxide, nitrogen oxides and particulates in micrograms per cubic meter during operation at rated capacity and assuming generalized worst-case meteorological conditions;

5. the maximum water use by the facility during operation at rated capacity for alternate cooling systems in cubic feet per second for appropriation from groundwater, appropriation from surface water, and consumptive losses;

6. the sources and types of discharges to water attributable to operation of the facility;

7. the expected types and amounts of radionuclides released by the facility in curies per year for alternate facility designs and levels of waste treatment;

8. the types and quantities of solid wastes produced by the facility in tons per year at the expected capacity factor;

9. the sources and levels of audible noise attributable to operation of the facility;

10. the peak and average work force required for construction and operation of the facility;

11. the minimum and the expected number and size of transmission facilities required by the facility; and

12. a description of equipment and measures that may be used to reduce the environmental impact of construction and operation of the facility.

B. Transmission facilities. The applicant shall provide data for each alternative that would involve construction of an LHVTL. The following information shall be included:

1. for each type of support structure that would be used for overhead transmission facilities:

a. schematic diagrams which show the dimensions of the support structures and conductor configurations;

b. the strength of the electric field in kilovolts per meter (root mean square) described in isopleths for a plan view of a typical span between support structures at one meter above ground level; and

c. the strength of the electric field in kilovolts per meter (root mean square) described in isopleths for an elevation view from the ground to the conductors for the width of the right-of-way at the point of maximum conductor sag;

2. for overhead transmission facilities:

a. the typical levels of ozone and nitrogen oxides attributable to the transmission facility in parts per billion at ground level; and

b. a discussion of radio and television interference attributable to the transmission facility;

3. for underground transmission facilities:

a. the types and dimensions of the cable systems and associated facilities that would be used;

b. the types and quantities of materials required for insulation and cooling of the cable; and

c. the amount of heat released by the cable system in kilowatts per meter of cable length;

4. the width of the right-of-way required for the transmission facility;

5. the maximum and typical levels of audible noise in decibels (A scale) attributable to the transmission facility at the edge of the right-of-way;

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6. a description of construction practices for the transmission facility;

7. a description of operation and maintenance practices for the transmission facility;

8. the peak and average work force required for construction and for operation and maintenance of the transmission facility; and

9. a narrative description of the region between the endpoints of the transmission facility. The region shall encompass the likely area for routes between the endpoints. The description should emphasize the area within three miles of the endpoints. The following information shall be described:

a. hydrologic features including lakes, rivers, streams and wetlands;

b. natural vegetation and associated wildlife;

c. physiographic regions; and

d. land-use types, including human settlement, recreation, agricultural production, forestry production, and mineral extraction.

C. The alternative of no facility. The applicant shall provide the following information for the alternative of no facility:

1. a description of the expected operation of existing and planned generating and transmission facilities;

2. a description of the changes in resource requirements and wastes produced by facilities discussed in response to rule EA 638 C.1., including:

a. the amount of land required;

b. induced traffic;

c. fuel requirements;

d. airborne emissions;

e. water appropriation and consumption;

f. discharges to water;

g. reject heat;

h. radioactive releases;

i. solid waste production;

j. audible noise; and

k. labor requirements; and

3. a description of equipment and measures that may be used to reduce the environmental impact of the alternative of no facility.

EA [637] 639 Consequences of delay. The applicant shall present a discussion of anticipated consequences to its system, neighboring systems, and power pool should the proposed facility be delayed one, two and three years or postponed indefinitely.

EA [638] 641 Certificate of need modifications.

A. Issuance of a certificate of need may be made contingent upon modifications required by the director. When the director denies an application, he shall state the reason(s) for the refusal. [and the changes in the size and/or proposed inservice date of the facility necessary to issue a certificate of need in compliance with the standards;]

B. Applications for changes in in-service date for large generation and transmission facilities previously certified shall conform to the following:

1. If an applicant determines that a change in the in-service date is necessary for a large generation or transmission facility previously certified by the director, [he] it shall inform the director of the desired change of date for in-service operation, accompanied by a written statement detailing the reasons for the proposed change. The director shall evaluate these reasons and within 45 days of receipt of said application, notify the applicant if the proposed change of in-service date is acceptable.

2. Delays in the in-service date of large generation or transmission facilities previously certified by the director for up to one year are not subject to review by the director. The applicant shall inform the director as soon as he determines that a delay is imminent, accompanied by a written statement detailing the reasons for such delay.

C. Small additions and subtractions to generating plant capacity and transmission line length shall conform to the following:

1. Power plant capacity additions and subtractions less than 50 megawatts from the capacity approved in a certificate of need issued by the director shall not require recertification.

[2. Large transmission line length modifications shall conform to the following:

a. Large transmission line length additions or sub-

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tractions made as a result of the route length approved by the Minnesota Environmental Quality Council (hereinafter "MEQC") for projects previously certified shall not require recertification.

b. When a utility applies to MEQC for a transmission line corridor for which it does not expect the corridor approved to exceed 100 miles within the state, but whereas the corridor approved by MEQC exceeds 100 miles within the state, the applicant may apply for a certificate of need prior to or concurrently with application for MEQC route construction permit. The length of a corridor is determined by measuring the length of its center line.]

2. Large transmission line length additions or subtractions made as a result of the route length approved by the Minnesota Environmental Quality Board for projects previously certified shall not require recertification.

D. When the director approves a certificate of need application, or modification thereof, he shall state which fuel types are not permitted in supplying the additional generation capacity certified.

Department of Public Welfare Proposed Temporary Rules Governing Operation of the Catastrophic Health Expense Protection Program (CHEPP)

Request for Public Comment

Notice is hereby given that the following Rule DPW-60 governing administration of the Catastrophic Health Expense Protection Program is proposed for adoption as a temporary rule, as authorized by Minnesota Statutes 1976, section 62E.54, as amended, pending completion of a full hearing and adoption of a permanent rule. Comments from interested and affected persons are requested. Comments must be received at the address given below within 20 days of the date of this publication to be considered. The temporary rule may be revised on the basis of comments received.

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Comments on the proposed rule should be sent to:

Paul Farseth
Catastrophic Health Expense Protection Program
Minnesota Department of Public Welfare
Box 30170
St. Paul, Minnesota 55175

Oral comments may be given by telephone at (612) 296-4729 during the 20 days following this publication.

Vera J. Likins
Commissioner of Public Welfare

Readers should note that the following rule is totally new.

Rule as Proposed

DPW 60 Catastrophic Health Expense Protection.

A. Introduction.

1. Scope and purpose of rule. This rule governs administration of the Catastrophic Health Expense Protection Program (CHEPP, CHEP Program) in Minnesota. It is issued pursuant to Minn. Stat. § 62E.54, subd. 1 (1976). It provides the basis for implementation of §§ 62E.51 to 62E.55.

2. Persons regulated. This rule is binding on the Department of Public Welfare, on all county welfare and human services boards (hereinafter called local welfare agencies), on all persons and organizations contracting to perform functions under the CHEPP act, on providers of health services who are paid or who request payment under the act, and on people who apply for or receive benefits under the act.

3. Uniform implementation of the rule. The Commissioner of Public Welfare shall issue handbooks and informational materials to local welfare agencies, to persons and organizations that contract to perform functions required under the CHEPP act, to providers of health services which may be paid for under the act, and to people who apply for or receive benefits under the act, so that the act and this rule are put into effect in an orderly and uniform way. The Commissioner may prescribe forms to be used in the CHEP Program.

4. Civil rights protections. The CHEP Program shall be administered so as not to deny people who apply for or receive benefits their individual and civil rights. The program shall give due regard to the rights of its beneficiaries as to privacy of their personal medical records. No disclosure

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shall be made of such records or of personally identifiable data from them except as permitted by law and then only such pertinent data as is clearly required for proper administration of the program by those persons and organizations responsible for it.

5. Subordination of rule to state and federal laws. Any provision of this rule which is inconsistent with any State or Federal law applicable to the CHEP Program is superseded thereby.

B. Definitions. For the purposes of this rule, the terms defined in this section have the meanings given them.

1. "Eligible person" means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

a. qualified expenses for himself and any dependents in any 12 consecutive months exceeding:

(1) 40 percent of his household income up to \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000, or

(2) \$2,500, whichever is greater; or

b. qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income.

Where clearly indicated by the context, "eligible person" shall also mean the dependents of an eligible person as defined above.

2. "Resident of Minnesota" means a person who is presently residing in Minnesota, having there his principal and permanent abode, and having no intent to return to some other state to live upon completion of a course of medical care.

3. "Qualified expense" means any charge incurred subsequent to July 1, 1977 for a health service which is included in the list of covered services described in Minnesota Statutes 1976, section 62E.06, subdivision 1, and for which no third party is liable. Such qualified expenses shall include the usual and customary charges for the following services and articles when prescribed by a physician:

a. Hospital services;

b. Professional services for the diagnosis or treatment of injuries, illnesses or conditions, other than outpatient mental or dental, which are rendered by a physician or at his direction;

c. Drugs requiring a physician's prescription;

d. Services of a skilled nursing facility which meets the requirements for participation in the Medicare program, for not more than 120 days in the eligible person's year-long eligibility period, if the services would qualify as reimbursable services under Medicare, and if the services do not fall into the class of "qualified nursing home expenses" defined in paragraph B. 31. below;

(Explanatory Comment:

Skilled nursing facility services provided by a Medicare-eligible facility may be reimbursed by Medicare if all the following conditions are met:

°Admission to the facility occurred within 14 days after an inpatient hospital stay of at least 3 days, not counting the day of hospital discharge,

°Care in the skilled nursing facility is needed because of a condition which was treated during the above hospital stay,

°The medical doctor responsible for the patient's treatment certifies that the patient needs and actually receives skilled nursing or skilled rehabilitation services on a daily basis, and

°The facility's Utilization Review Committee or a Professional Standards Review Organization does not disapprove the stay.)

Continuation of Rule:

e. Services of a home health agency if the services would qualify as reimbursable services under Medicare;

(Explanatory Comment:

The requirements for Medicare reimbursement for home health agency services are as follows:

°The patient must need part-time skilled nursing care or physical therapy or speech therapy,

°A medical doctor must determine that the patient needs the services and must set up a plan for home health care,

°The patient must be confined to his home,

°The home health agency must be eligible to participate in the Medicare program, and

°The services provided must fall into one of the following categories:

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+Part-time skilled nursing care,

+Physical therapy,

+Speech therapy,

°and also, if one of the above services is needed:

+Occupational therapy,

+Part-time services of home-health aides,

+Medical social services, and

+Medical supplies and non-durable equipment provided by the agency.)

Continuation of Rule:

f. Use of ionizing radiation or radioisotopes for therapeutic or diagnostic purposes;

g. Oxygen;

h. Anesthetics;

i. Prostheses other than dental;

j. Rental or purchase, as appropriate, of durable medical equipment other than eyeglasses and hearing aids;

k. Diagnostic X-rays and laboratory tests;

l. Oral surgery for partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth;

m. Services of a physical therapist; and

n. Transportation provided by licensed ambulance service to the nearest facility qualified to treat a condition, if such ambulance transportation is medically necessary.

4. "Dependent" means a spouse, unmarried child under the age of 19 years, a child who is a student under the age of 25 and financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent;

5. "Household income" means the gross income of

an eligible person and all his dependents 23 years of age or older for the calendar year preceding the year in which an application is filed for CHEPP benefits.

6. "Gross income" means income as defined in Minnesota Statutes 1976, Section 290A.03, subdivision 3, as this may be amended from time to time. Cash benefits paid to eligible persons in lieu of payments to providers of health services shall not be included in "gross income" as defined here.

(Explanatory Comment:

The definition of "gross income" in M.S. 1976, section 290A.03 is as follows:

Subd. 3. "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code of 1954 as amended through December 31, 1974, additions to federal adjusted gross income as provided in Minnesota Statutes, Section 290.01, Subdivision 20, Clause (a) (1), (a) (2), (a) (3), (a) (4), (a) (5), and (a) (10), and all nontaxable income, including but not limited to the amount of recognized net long term capital gains excluded from adjusted gross income, cash public assistance and relief, the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, and veterans' disability pensions), nontaxable interest received from the state or federal government or any instrumentality thereof, worker's compensation, unemployment benefits, nontaxable strike benefits, and the gross amount of "loss of time" insurance. In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" shall mean federal adjusted gross income reflected in the fiscal year ending in the calendar year. "Income does not include gifts from nongovernmental sources, surplus food or other relief granted under sections 273.012, subdivision 2 or 290A.01 to 290A.21.)

Continuation of Rule:

7. "Commissioner" means the commissioner of public welfare, or, as applicable, the commissioner's designated agent in the Department of Public Welfare, a local welfare agency, or a person or organization contracting to perform functions required for administration of the CHEP Program.

8. "Third party" means any person other than the eligible person or his dependents.

9. "CHEPP deductible" means the sum of qualified

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expenses which an applicant must have incurred an obligation to pay in order to become an eligible person, as defined in paragraph B. 1. above.

10. "Copayment" means the 10 percent share of a reasonable charge or qualified expense, in excess of a CHEPP deductible, for which an eligible person remains liable to a provider of health services after payment of the 90 percent share by the commissioner under the provisions of the CHEPP act and this rule.

11. "Adjustment" means a payment by or to the State of Minnesota intended to change the net amount of an earlier payment made by the CHEP Program.

12. "Private health care coverage" means any plan regulated by Minnesota Statutes, chapters 62A, 62C, 62D, 64A, or sections 62E.01 to 62E.17. Private health care coverage also includes any self-insurance plan providing health care benefits.

13. "Hospital services" means any and all reasonable and medically appropriate services provided on an inpatient or outpatient basis on the direction of a physician or under his supervision by a hospital which meets the requirements for reimbursement as such by the Medical Assistance Program, Title XIX of the Federal Social Security Act. Hospital services do not include ambulance or medical transportation services, outpatient mental or dental health services, drugs dispensed on an outpatient basis for consumption at some other location, home health services, outpatient oral surgery, prostheses, or durable medical equipment.

14. "Physician" means a medical doctor, osteopath, or dentist, licensed in the state in which he practices, acting within the scope of his license. The term does not include podiatrists, chiropractors, optometrists, or psychologists.

15. "Physical therapist" means an individual who meets the requirements for enrollment as such in the Minnesota Medical Assistance Program.

16. "Home health agency" means a public or private agency which specializes in giving nursing and other therapeutic and rehabilitative services in patients' homes and which is eligible for enrollment as such in the Minnesota Medical Assistance Program.

17. "Illness" means disease, injury, or a condition involving bodily or mental disorder of any kind, including pregnancy and fertility, and also including the state of personal concern for maintenance of individual health.

18. "Nursing home" means an institution which is licensed as a nursing home by the state in which it is located. The term includes facilities which meet the standards of the Minnesota Medical Assistance Program for enroll-

ment as skilled nursing facilities or as intermediate care facilities (I), but it excludes facilities (or beds, in the case of multi-level facilities) which are classified as intermediate care facilities (II) or as intermediate care facilities (Mental Retardation).

19. "Medically necessary" means reasonable and prudent according to commonly accepted standards of medical practice as applied to a particular case at a particular point in time in the light of such information as is or could reasonably be available to the treating physician.

20. "Medical Assistance Program" means that program of medical assistance to the poor and needy established by Title XIX of the Federal Social Security Act and, in Minnesota, by Minnesota Statutes, chapter 256B.

21. "Medicare" means that program of payment for health services for the aged and disabled established by Title XVIII of the Federal Social Security Act.

22. "General Assistance Medical Care" (GAMC) means that program of medical assistance for the poor and needy established by Minnesota Statutes, chapter 256D.

23. "Health maintenance organization" (HMO) means an organization offering prepaid health services, as defined in Minnesota Statutes, chapter 62D.

24. "CHEPP beneficiary" means an eligible or formerly eligible person or his dependent, someone on whose behalf CHEPP benefits have been or may be paid.

25. "Provider" means a provider of health services to an applicant for CHEPP benefits or to a CHEPP beneficiary.

26. "Regular provider" means a provider of health services to a CHEPP applicant or beneficiary who (which) wishes to be reimbursed for such services directly by the CHEP Program.

27. "Usual and customary charge" means a provider's normal charge, in the absence of insurance or other plan of health coverage, for a service or supply, but not more than the prevailing charge in the state for a like service or supply.

28. "Reasonable charge" means the charge for a service or supply which would be allowable for payment under the Medical Assistance Program as administered by the Minnesota Department of Public Welfare, except that customary charge audits by provider may be omitted uniformly for practitioners and that determinations of the reasonableness of charges which require professional review may be contracted to a review organization.

29. "Review organization" means a professional

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standards review organization as defined in the Federal Social Security Act or a similar organization as defined in Minnesota Statutes, section 145.61.

30. "Out-of-pocket" means the personal liability of an applicant, eligible person, or a dependent of one of these. A charge or expense for a service covered by CHEPP must be an out-of-pocket expense for the applicant or eligible family. This means that no third party is liable to pay it and no third party has been liable to pay it and has then paid it to or on behalf of the family. If part of an expense for a covered service is paid by a liable third party or is the liability of a third party, that part is not a qualified expense and may not be used to satisfy the CHEPP deductible and may not be reimbursed by CHEPP.

31. "Qualified nursing home expense" means any charge incurred subsequent to July 1, 1977, for nursing home services after 36 months of continuous care provided to a person 64 years of age or younger in a licensed nursing home. Periods of inpatient hospital care occurring after admission to a nursing home shall count as part of the 36 months of continuous care.

32. "Subsequent to July 1, 1977" means on or after July 1, 1977.

33. "Residual spend-down amount" means any portion of the CHEPP deductible which for administrative convenience is arranged to be deducted from CHEPP payments after an applicant has been accepted as an eligible person.

C. Establishment and duration of CHEPP eligibility.

1. Where to apply. Applications for benefits from the Catastrophic Health Expense Protection Program shall be taken by the local welfare agency responsible for the county in which the applicant makes his home.

2. Who may apply. Applications for CHEPP benefits may be made by a single adult person, by either spouse of a family, or by an individual's attorney or court-appointed guardian or conservator. An applicant must be presently a resident of Minnesota.

3. Delegation of authority. The director of each local welfare agency is designated as the commissioner's agent authorized to review and determine applicants' eligibility for CHEPP benefits. This authority may be further delegated to the supervisor of the administrative unit within each agency which is responsible for processing CHEPP applications.

4. Provision of information by local welfare agencies. Local welfare agencies shall answer questions from the public about the CHEP Program, using information and literature supplied by the commissioner. Local agencies shall explain the program's benefits and requirements to people who apply or who are eligible for benefits. Local agencies shall explain the state's privacy-protection law to people who apply for CHEPP benefits.

5. Filing and processing applications. Local welfare agencies shall maintain such records of CHEPP applications as may be required by this rule and by administrative procedures established by the commissioner. Application forms and records of applicants' income and expenses for health services shall be kept in the local welfare agency for at least as long as such records are required to be kept by the Medical Assistance Program. Local agencies shall provide copies of CHEPP applications, applicants' medical bills, and other documents submitted at application, to the Department of Public Welfare as required by the commissioner. Local agencies shall determine whether an applicant is eligible for CHEPP benefits within 30 days of receiving all information and documents needed to determine eligibility. When an applicant has been found eligible, the local agency shall take whatever action is necessary to establish the applicant family as an eligible case in the State computerized Welfare Information System (the Case Information System); this updating of the Case Information System shall be completed within 10 work days of determining the applicant's eligibility.

6. Consideration of alternative welfare programs. Local welfare agencies shall request from CHEPP applicants enough information to decide whether they can qualify for Medical Assistance, General Assistance Medical Care, or some other form of welfare medical assistance such as certification of need for care at the University Hospitals. Applicants entitled to benefits under such other welfare programs shall be considered ineligible for CHEPP benefits if such other benefits are clearly equal to or greater than those available under CHEPP. If an applicant becomes eligible for CHEPP in preference to some other welfare program to which he is entitled, justification of the selection shall be recorded in the case record.

7. Information and documents to be supplied by CHEPP applicants. Applicants for CHEPP benefits shall provide such information and documents as are needed to establish their eligibility for the program, including as applicable the following:

a. Application data:

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(1) Full names of family members included in the application;

(2) Birthdates of all family members;

(3) Current addresses of all family members included in the application;

(4) The main address of the household one month before the date of the first service offered in satisfaction of the CHEPP deductible;

(5) The Social Security Number of each family member who had income included in the household income figure used for determining CHEPP eligibility;

(6) The amount of the family's household income in the previous year, including an itemization of all such income not reported on a State or Federal income tax return or on an application for the Minnesota Renter's Credit, Income-adjusted Homestead Tax Credit, or Senior Citizen's Property Tax Freeze Credit;

(7) The Health Insurance Claim Number of each Medicare-eligible member of the applicant family;

(8) The names of all private or public plans or programs of health coverage from which one or more family members are entitled to benefits, the addresses of such plans, the policy numbers or beneficiary identification numbers for each plan, the names of the family members covered by each plan, and the name of the plan group if necessary for claim filing;

(9) The names of all automobile insurance companies with which family members have no-fault medical coverages, the policy numbers, and the addresses of the companies;

(10) The names of any other third parties who are or may be liable for the cost of health services or health insurance for any family member, and current information about the status of any actions pending or contemplated for recovery of damages or benefits for health services;

(11) The Medical Assistance Program, General Assistance Medical Care, or CHEPP identification number of each family member who has been eligible for one of those programs within the two years before the current application for CHEPP;

(12) The telephone number of the family's main home and the telephone number at work of the employed head of household;

(13) The sex and marital status of all adult family members;

b. A signed warranty by the applicant that the information supplied is true and complete, to the best of his knowledge and ability to make it such;

c. A signed assignment of third party benefits to the extent of the State's payments on the eligible family's behalf; an assignment shall be signed by the competent family member for each separate set of entitlements; each assignment shall include an authorization to release pertinent medical information for purposes of collecting health plan and other third party benefits for health services;

d. A signed authorization from each family member, other than dependent children under age 23 years, for the commissioner to inspect tax returns and applications for tax credits submitted to the Minnesota Department of Revenue, and for the commissioner to receive copies of such documents pertinent to verifying the income reported by the applicant family; the authority to inspect and receive copies of documents shall extend also to data from microforms and computer storage devices;

e. Copies of invoices from the providers of all health services whose charges are offered in satisfaction of the CHEPP deductible or for CHEPP payment, together with current information as to which charges have been billed to third parties and the extent to which such third parties have paid or are expected to pay for the charges, information as to which charges have been paid by the family out-of-pocket (with proof of payment), and a signed statement that no insurance company or other third party payment has been received or is expected to be received for charges offered in satisfaction of the CHEPP deductible or for which CHEPP payment is requested, except as explained above.

8. The CHEPP deductible is out-of-pocket. Eligible expenses offered in satisfaction of the CHEPP deductible must be out-of-pocket expenses or liabilities for which no third party is liable and for which no liable third party has paid. When a third party has paid for part of an eligible expense, the unpaid part may be considered an out-of-pocket expense if no other third party is or has been liable for it. Eligible expenses attributed to the CHEPP deductible need not have been paid in advance of CHEPP eligibility, and failure of an applicant to pay them shall not affect the applicant's eligibility.

9. Satisfaction of the CHEPP deductible. The applicant for CHEPP benefits may select which of his qualified expenses for services received subsequent to July 1, 1977 is to be the earliest for satisfaction of the CHEPP deductible. Having selected a beginning date, the applicant shall then offer his remaining qualified expenses incurred after that date in satisfaction of the deductible, in the order in which such remaining expenses were incurred. The date of an

PROPOSED RULES

expense shall be deemed to be the date of the earliest service occasioning any part of the expense or charge.

10. Income considered in special cases. If an applicant or the applicant's spouse has petitioned for a dissolution of marriage and there exists a temporary decree or other legally binding agreement specifying the terms of separation, the gross income of the non-applicant spouse and any dependents living with the non-applicant spouse shall not be considered in computing the amount of the applicant's CHEPP deductible, provided the applicant is in fact separated from and living apart from the non-applicant spouse.

11. Duration of eligibility. Eligibility for CHEPP benefits shall run for 12 calendar months, beginning on the first day of the month and year of the earliest service occasioning a qualified expense offered in satisfaction of the applicant's CHEPP deductible. Such eligibility shall not cover the portion of any qualified expense offered in satisfaction of the deductible, but it may cover other qualified expenses incurred during the deductible period if such expenses were not known to be qualified at the time of application.

12. Eligibility for payment of qualified nursing home expenses. A CHEPP applicant's eligibility for payment of qualified nursing home expenses as defined in section B.31. above shall be figured separately from eligibility for other CHEPP benefits. Qualified nursing home expenses as defined in section B.31. shall not be used to satisfy the CHEPP deductible for other CHEPP benefits, and other qualified expenses shall not be used to satisfy the CHEPP deductible for reimbursement of qualified nursing home expenses.

13. Application for payment of qualified nursing home expenses. Persons desiring CHEPP payment of qualified nursing home expenses shall apply for payment in a timely way. Application shall be made not later than 60 days after the end of the earliest month for which payment will be requested. Applications for payments for the last month of the State fiscal year (i.e. June) shall be made not later than the last day of the following month.

Persons who wish per diem charges of nursing homes to be limited to those allowed by Medical Assistance must establish eligibility for CHEPP reimbursement in the month before the month in which the limitation on charges is claimed against the nursing home.

14. Termination of eligibility. Eligibility for CHEPP benefits may be terminated or interrupted by the commissioner if third party payments are made for services whose

expenses were offered in satisfaction of the CHEPP deductible, regardless of whether they are made to the beneficiary, a provider of care, or the State. If a third party payment interrupts a family's CHEPP eligibility, the commissioner shall notify the family by letter. The amount of deductible the family must re-incur to become eligible for CHEPP again shall be entered into the computerized central payments system as a residual spend-down amount. The family shall be permitted to continue to have medical claims billed to the CHEPP program, but amounts payable by the State shall be used to satisfy that residual spend-down before any actual payment is made on a family's behalf. Families which choose to re-establish eligibility for CHEPP benefits in this way are liable to providers of care for both their own copayment amounts and for State-share payments held back to satisfy the residual spend-down. Such families shall tell providers of health services of their interrupted CHEPP eligibility at the time of receiving health services.

Eligibility for CHEPP benefits may also be terminated by the commissioner upon a clear determination by the commissioner that incorrect or fraudulent data was submitted by an applicant in order to become eligible. Such a determination shall not be made until 14 days have passed from notice to the family by letter that it is being considered and that the matter may be discussed with a designated representative of the commissioner. If eligibility is terminated because of errors made in good faith in figuring a family's deductible or its satisfaction, the family may be allowed to continue in the CHEP Program with the unsatisfied deductible amount being treated as a residual spend-down amount as provided in the preceding paragraph.

Families whose CHEPP eligibility is terminated or interrupted to satisfy additional deductible amounts shall return their CHEPP eligibility identification cards to the Department of Public Welfare, which shall issue replacement cards for families on interrupted eligibility.

15. Appeals. The final decision of the commissioner denying an application for status as an eligible person, suspending it, or revoking it, or denying all or part of the charges for a health service may be appealed by any interested party pursuant to Minnesota Statutes, chapter 15.

D. Administration of benefits and payments.

1. Benefits payable. Except for qualified nursing home expenses, the Department of Public Welfare shall pay 90 percent of the reasonable charge for an eligible person's qualified expenses in excess of his CHEPP deductible. The

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

eligible person shall remain liable to the provider of health services for the remaining 10 percent of the reasonable charge for each service.

For qualified nursing home expenses, the Department of Public Welfare shall pay, at the end of each State fiscal year, an amount for each eligible person calculated as follows, unless some other formula is set by law:

$$\begin{aligned}
 &+ \text{(Reasonable cost of eligible person's qualified nursing home care during the State's fiscal year)} \\
 &- \text{(20 percent of the eligible person's household income in the calendar year before the year application is filed for CHEPP)} \\
 \hline
 &= \text{Eligible person's raw entitlement}
 \end{aligned}$$

The CHEP Program will not pay more than the raw entitlement, but if there are insufficient funds earmarked for qualified nursing home expenses, the program's payments will be calculated as follows:

$$\text{Payable Amount} = \left(\frac{\text{State Appropriation for qualified nursing home expenses}}{\text{Eligible person's raw entitlement}} \right) \times \left(\frac{\text{The sum of all eligible persons' raw entitlements}}{\text{The sum of all eligible persons' raw entitlements}} \right)$$

2. Forgiveness of disallowed charges. If a charge for a covered service to an eligible person is billed to CHEPP, any part of the charge determined by the Department of Public Welfare to be more than a reasonable charge, or the entire charge if the service is determined to have been not medically necessary, shall be deemed to be an unconscionable fee, against the public policy of this state and unenforceable in any action brought for the recovery of moneys owed. Charges for qualified nursing home expenses shall be considered billed to CHEPP and subject to limitation on the first day of the month following written notice to the nursing home of a patient's eligibility.

In the case of nursing home care which occasions qualified nursing home expenses, any per diem charge for qualified nursing home care given to a person eligible for CHEPP benefits shall be deemed to be a reasonable charge if it is not more than the charge per diem allowed in that section of that facility for that level of care by the Minnesota Medical Assistance Program.

3. Persons to whom payments are made. CHEPP benefits shall be paid only to providers of health services, and then only after receipt of a proper billing for review and adjudication; however, benefits shall be paid to eligible persons directly if the eligible person has already paid the pro-

vider and the services were received before the date of the eligible person's application for CHEPP.

4. Post-payment adjustments. Adjustments to amounts paid by the CHEP Program shall be settled between the provider and the Department of Public Welfare at 100 percent, with no payment or collection of copayments to or from CHEPP beneficiaries.

5. Enrollment of regular providers. Regular providers of services to CHEPP beneficiaries shall give the Department of Public Welfare the same enrollment information and provider agreements that are required for enrollment in the Medical Assistance Program, if these have not been given already to that program. Providers already enrolled in the Medical Assistance Program will be enrolled automatically as providers of services for CHEPP beneficiaries unless they ask in writing not to be. Acceptance of payments on behalf of CHEPP beneficiaries by providers enrolled in the Medical Assistance Program shall be deemed to be an acceptance of the terms of this Rule and to extend the provider's agreement with the Medical Assistance Program to cover services to CHEPP beneficiaries.

6. Invoicing procedures. Regular providers of service to CHEPP beneficiaries shall bill the CHEP Program directly, using approved Minnesota Medical Assistance Program invoices and forms. This requirement for billing by providers may be waived by the Department of Public Welfare for services provided and billed before the date an applicant for CHEPP benefits is told that he or she is eligible.

If a provider of health services knows that a patient is eligible for CHEPP benefits, other than qualified nursing home expenses, he shall not try to collect charges from the patient or his family for services which are to be billed to CHEPP until the amount of the CHEPP beneficiary's copayment liability has been reported to the provider by the Department of Public Welfare. (A provider may, however, seek third party payments for services to CHEPP beneficiaries, provided that any third party recoveries of charges for services paid for in part by CHEPP are reported to the CHEP Program.)

Providers who bill the CHEP Program shall accept the program's determination of what will constitute reasonable charges for services to CHEPP beneficiaries, and they shall not attempt to collect from beneficiaries any charges disallowed by the program as excessive or as being for services deemed not medically necessary.

7. Third party (insurance) claims. Providers shall bill third parties known to be liable for health services provided to CHEPP beneficiaries or shall supply sufficient information to the Department of Public Welfare to allow the department to claim reimbursement under its rights of as-

PROPOSED RULES

signment or subrogation. Providers shall not supply known CHEPP beneficiaries with invoices requesting payment for services to be billed to the CHEP Program unless such invoices are prominently marked to indicate that payment by the CHEP Program will be or has been requested.

8. CHEPP beneficiary identification cards. CHEPP beneficiaries shall be provided with identification cards giving the dates of their eligibility and their identification numbers. Beneficiaries shall show these cards to providers of health services before they receive services for which they expect part payment by CHEPP. CHEPP beneficiaries eligible only for part payment of qualified nursing home expenses shall receive separate and distinct identification cards or letters.

9. Non-qualifying expenses. Charges for the following shall be considered to be not qualified expenses, not covered by the CHEP Program:

a. Cosmetic surgery, except to repair an injury or birth defect;

b. Private hospital or nursing home rooms, to the extent that the charges exceed the institution's charge for its most common semi-private room, unless a private room is prescribed as medically necessary by a physician. If an in-

stitution has no semi-private rooms, its most common semi-private room charge shall be deemed to be 90 percent of its lowest private room charge;

c. Trans-sexual surgery;

d. Artificial insemination;

e. Reversals of sterilizations entered into originally with free and informed consent;

f. Autopsies;

g. Missed appointments;

h. Costs of billing;

i. Inpatient psychiatric care substituted for outpatient care primarily to acquire reimbursability of the services under the CHEP Program.

10. Termination of provider enrollments. Providers may be terminated from enrollment as eligible payees under the CHEP Program according to the procedures established for such termination in the Minnesota Medical Assistance Program. Providers terminated from the Medical Assistance Program for misconduct shall be simultaneously terminated from the CHEP Program.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

OFFICIAL NOTICES

Metropolitan Sports Facilities Commission Notice of Public Hearing Regarding Sports Facility Site Selection

Notice is hereby given that the Metropolitan Sports Facilities Commission, established by Laws of 1977, ch. 89, will conduct a public hearing on Wednesday, July 20, 1977, commencing at 3:00 p.m. until 5:00 p.m. and reconvening at 7:00 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101 (after 6:00 p.m. use Jackson Street entrance). The purpose of the public hearing is to offer all interested parties the opportunity to comment on all preliminary location and schematic site plan proposals that have been received by the Commission prior to its June 27, 1977 deadline. Laws of 1977, ch. 89, § 9, subd. 2, requires the Commission by August 1, 1977, to select from the preliminary location and schematic site plan proposals received not more than three locations in the Metropolitan Area for further study and consideration.

Persons wishing to comment at the hearing are strongly encouraged to register in advance by writing or calling Jerry Bell at 291-6405. Those who register first will be scheduled to speak first, but persons may also register to speak at the door the day of the hearing. All persons offering comments are encouraged, if possible, to present 10 copies of their statement to the Commission. Written comments may be presented in lieu of speaking to the Commission until 5:00 p.m. on Friday, July 22, 1977. Submit written comments to Dan J. Brutger, Chairman, Metropolitan Sports Facilities Commission, 300 Metro Square Building, St. Paul, Minnesota 55101. The Commission will meet on August 1, 1977, at 10:00 a.m. at the above mentioned address to determine which three sites will be given further study and consideration. Questions concerning the public hearing and its procedures may be referred to Jerry Bell, Metropolitan Council staff liaison at the aforementioned address, phone: 291-6405.

Dan J. Brutger
Chairman Metropolitan Sports Facilities Commission

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion on Proposed Temporary Rules Concerning Nursing Home Costs

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412 subd. 6 (Supp. 1975) that the Min-

nesota Department of Public Welfare will propose a temporary rule based upon Laws of 1977, ch. 326, § 16, subd. 2. This Section authorizes the Department of Public Welfare to promulgate rules establishing standards which shall distinguish between any patient-care related components and nonpatient-care related components of these costs for nursing homes, where applicable.

The adopted temporary rule will then be heard in public hearing pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4 and 5 (Supp. 1977).

All interested parties desiring to submit data or views relating to the proposed temporary rule of the Department of Public Welfare relating to the above should address their comments (either written or oral) to the Minnesota Department of Public Welfare, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, by writing to Vera J. Likins. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Public Welfare will become a part of the hearing record. Deadline for submittal of data and views is July 21, 1977.

Any materials submitted shall be reviewed and considered by the Department of Public Welfare during the preparation of the proposed temporary rule. Notice of the public hearing on the proposed rule shall be published in the State Register and given to all interested parties who have registered with the Secretary of State's office in accordance with the provisions of the Administrative Procedure Act.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, phone 612-296-5615.

Vera J. Likins
Commissioner

Notice of Intent to Solicit Outside Opinion on Proposed Rules Concerning Nursing Home Expenses and Financial Assistance for Persons Suffering from Hemophilia

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412 subd. 6 (Supp. 1975) that the Min-

OFFICIAL NOTICES

Minnesota Department of Public Welfare will propose the following:

1) Adoption of a new Department rule, based upon Laws of 1977, ch. 453, § 24. Section 24 appropriates funds for financial assistance to persons or to the parent or guardian of dependent persons suffering from hemophilia who are unable to pay for or obtain third party reimbursement from any private or public source, including chapters 62E and 256B, for the cost of care and treatment.

2) The amendment and revision of existing Rule 49 based upon Laws of 1977, ch. 326. This Chapter relates to nursing homes; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; and requiring the state agency to establish certain standards.

3) The amendment and revision of existing Rule 47 concerning the establishment of a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care as authorized in Laws of 1977, ch. 488; (Minn. Stat. § 256B.06, subd. 10).

All interested parties desiring to submit data or views relating to any of the above proposed rules or proposed amendments to rules of the Department of Public Welfare should address their comments to the Minnesota Department of Public Welfare, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, by writing to Vera J. Likins. Statements submitted should clearly identify the rule to which the statement pertains. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Public Welfare will become a part of the hearing record for each rule. The deadline for submittal of data or views is July 29, 1977.

Any material submitted shall be reviewed and considered by the Department of Public Welfare during the preparation of the proposed rule or proposed amendment to existing rules. Notice of the public hearing on the proposed adoption of rules shall be published in the State Register and given to all interested parties who have registered with the Secretary of State's office in accordance with the provisions of the Administrative Procedures Act.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five

hours per month at lobbying. The statute provides certain exceptions.

Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, phone 612-296-5615.

Vera J. Likins
Commissioner

Department of Transportation

Notice of Intent to Solicit Outside Opinion Regarding Rules for Public Transit Assistance and Transportation Management

Notice is hereby given that the Minnesota Department of Transportation (hereinafter the "department") is seeking information or opinions from sources outside the department in preparing to propose the adoption of rules relating to public transit assistance and transportation management. The rules are required by Laws of 1977, ch. 454, § 25, which gives the department emergency rulemaking authority and requires that information and opinions be solicited from outside the department prior to adopting rules. These rules pertain to Laws of 1977, ch. 454, § 18-24 which amends Minn. Stat. ch. 174, § 18-24 (1976).

The department requests information and comments concerning the subject matter of the proposed rules. Interested or affected persons or groups may submit statements of information, comment, and advice in writing or orally to:

Richard L. Brown, Director
Office of Transit Administration
Minnesota Department of Transportation
419 Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

All statements of information and comment must be received by July 19, 1977. Any written material received by the department shall become part of the hearing record when rules governing this subject are promulgated.

James Harrington
Commissioner

OFFICIAL NOTICES

Petition of Adrian Elevator, Inc. for Clearance Variances at its Facility in Butterfield, Minnesota Alongside of Chicago and Northwestern Transportation Company Trackage

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on July 21, 1977, at 9:30 A.M., at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota.

The hearing will be held before Ms. Natalie Gaull, 1745 University Avenue, St. Paul, Minnesota 55104, (Telephone: 612-296-8119), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, St. Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. §§ 219.46 and 219.47 all parties and potential parties of interest are given an opportunity to be heard on the proposed restricted clearances at Adrian Elevator, Inc.'s facility in Butterfield, Minnesota.

All parties are advised that if a party intends to appear at the hearing scheduled for July 21, 1977 at 9:30 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 21, 1977

Name and Telephone Number of Hearing Examiner:

Ms. Natalie Gaull
1745 University Avenue
Saint Paul, Minnesota 55104
296-8119

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Application of A. R. Wood Manufacturing Company for Lateral Clearance Variances at its Facility in Luverne, Minnesota, on Trackage Served by the Chicago and Northwestern Transportation Company

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter

OFFICIAL NOTICES

will be held on July 21, 1977, at 11:00 A.M. at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Ms. Natalie Gaull, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8119), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minnesota Stat. § 219.47 all parties and potential parties of interest are given an opportunity to be heard on the proposed lateral clearance variance at A. R. Wood Manufacturing Company's facility in Luverne, Minnesota.

All parties are advised that if a party intends to appear at the hearing scheduled for July 21, 1977 at 11:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE APPLICATION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 21, 1977

Name and Telephone Number of Hearing Examiner:

Ms. Natalie Gaull
1745 University Avenue
Saint Paul, Minnesota 55104
296-8119

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Application of Hoerner Waldorf Corporation for Lateral and Vertical Clearance Variances at its Plant at 50-37th Avenue, N.E., Minneapolis, Minnesota, on Trackage Served by Burlington Northern, Inc.

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on July 21, 1977, at 1:30 P.M. at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Ms. Natalie Gaull, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8119), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or

OFFICIAL NOTICES

any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minnesota Stat. § 219.47 all parties and potential parties of interest are given an opportunity to be heard on the proposed lateral and vertical clearance variances at Hoerner Waldorf Corporation's plant located at 50-37th Avenue, N.E., Minneapolis, Minnesota, 55412.

All parties are advised that if a party intends to appear at the hearing scheduled for July 21, 1977 at 1:30 P.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE APPLICATION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 21, 1977

Name and Telephone Number of Hearing Examiner:

Ms. Natalie Gault
1745 University Avenue
Saint Paul, Minnesota 55104
296-8119

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Petition of Soo Line Railroad Company for Authority to Retire and Remove a Loading Platform in Brooten, Minnesota

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on July 22, 1977 at 9:00 A.M., at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8110), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.85 all parties and potential

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parties of interest are given an opportunity to be heard on the proposed retirement and removal of a loading platform in Brooten, Minnesota. The petition alleges among other matters that the loading platform has not been used by the petitioner or the shipping public for over two years, that no future use is foreseen and that other platforms are available.

All parties are advised that if a party intends to appear at the hearing scheduled for July 22, 1977 at 9:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 22, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Bernard Singer
1745 University Avenue
Saint Paul, Minnesota 55104
296-8110

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Petition of Soo Line Railroad Company for Authority to Retire and Remove a Loading Platform in Radium, Minnesota

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on July 22, 1977 at 10:00 A.M., at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8110), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.85 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement and removal of a loading platform in Radium, Minnesota. The petition alleges among other matters that the loading platform has not been used by the petitioner or the shipping public for over five years, that no further use is foreseen and that this is a low platform not suitable for flatcar unloading and has outlived its usefulness.

All parties are advised that if a party intends to appear at the hearing scheduled for July 22, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be

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completed and returned to the Hearing Examiner at least 10 days before the hearing date. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 22, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Bernard Singer
1745 University Avenue
Saint Paul, Minnesota 55104
296-8110

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Petition of Chicago & North Western Transportation Company for Authority to Retire ICC Track No. 64, 524 Feet Long Including Turnout, ICC Track No. 65, 341 Feet Long Including Turnout, and 360 Feet of Track Including Turnout Located at St. Paul, Minnesota

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on July 22, 1977 at 11:00 A.M., at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8110), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.681 and 219.741 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement of 1,225 feet of track with three turnouts, including 524 feet of ICC Track No. 64, and 341 feet of ICC Track No. 65, located at St. Paul, Minnesota. The petition alleges that "the subject tracks are not in use at the present time and are no longer needed for rail transportation service."

All parties are advised that if a party intends to appear at the hearing scheduled for July 22, 1977 at 11:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155

OFFICIAL NOTICES

(Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 22, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Bernard Singer
1745 University Avenue
Saint Paul, Minnesota 55104
296-8110

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Petition of Chicago and Northwestern Transportation Company for Authority to Retire and Remove 1,260 Feet of Track with Two Turnouts, Located at Hopkins, Minnesota

(CITE 1 S.R. 1881)

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on July 22, 1977 at 1:00 P.M., at the Office of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8110), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.681 and 219.741 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement and removal by Chicago and of 1,260 feet of track, including two turnouts, located at Hopkins, Minnesota. The petition recites among other matters that the subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense.

All parties are advised that if a party intends to appear at the hearing scheduled for July 22, 1977 at 1:00 P.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence:

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

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If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 22, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Bernard Singer
1745 University Avenue
Saint Paul, Minnesota 55104
296-8110

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Petition of Chicago and Northwestern Transportation Company for Authority to Retire and Remove 390 Feet of ICC Track No. 36 and the Turnout to ICC Track No. 40 Located at St. James, Minnesota

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter

will be held on July 22, 1977 at 2:00 P.M., at the Office of Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8110), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.681 and 219.741 all parties and potential parties of interest are given an opportunity to be heard on Chicago and North Western Transportation Company's proposed retirement and removal of 390 feet of ICC track No. 36 and the turnout to ICC track No. 40 located at St. James, Minnesota. The petition recites that the subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense.

All parties are advised that if a party intends to appear at the hearing scheduled for July 22, 1977 at 2:00 P.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a pre-hearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hear-

OFFICIAL NOTICES

ing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: July 22, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Bernard Singer
1745 University Avenue
Saint Paul, Minnesota 55104
296-8110

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

EQC MONITOR

Minnesota Environmental Quality Council, 550 Cedar Street, St. Paul, MN, (612) 296-2723

Natural Resource Permit Applications

Crow Wing County

Name of Permit: Construction and Operation of Liquid Storage Facility

Applicant: Triangle Oil Company

Agency: Pollution Control Agency (PCA)

Project Location: Baxter, Crow Wing County; SW¼ Sec. 5, R28W, Twp. 33N.

Project Description: Construction of liquid storage facilities with sufficient containment to retain the largest tank contents with one foot freeboard in the event of a spill.

No Environment Assessment Worksheet (EAW) preparation is anticipated.

Comments and requests for additional information on this project should be submitted by August 4, 1977 to:

Donald K. Perwien
Minnesota Pollution Control Agency
1935 W. County Road B-2
Roseville, MN 55113

Dodge County

Name of Permit: State Disposal System Permit

Applicant: Owatonna Canning Company

Agency: Pollution Control Agency (PCA)

Project Location: Dodge Center, Dodge County; Sec. 27, R17W, Twp. 107N.

Project Description: Disposal system for canned corn production facility. The disposal system would consist of a vibrating screen, gravity line, wet well and an 18-acre irrigation field. A three-acre pond would be used to store the overflow from the wet well when irrigation is not feasible or desirable.

No Environment Assessment Worksheet (EAW) preparation is anticipated.

Comments on this project should be submitted by August 4, 1977 to:

Ms. Terry Mader
Minnesota Pollution Control Agency
1935 W. County Rd. B-2
Roseville, MN 55113
(612) 296-7381

Questions on this project should be directed to Mr. Randy Burnyeat, Pollution Control Agency, at the above address, telephone (612) 296-7228.

Kittson County

Name of Permit: Construction and Operation of Liquid Storage Facility

Applicant: Cooperative Services

Agency: Pollution Control Agency (PCA)

Project Location: Hallock, Kittson County; SW¼ Sec. 13 R49W, Twp. 161N.

Project Description: Containment facilities sufficient to hold a spill from the entire contents of the largest tank with one foot of freeboard.

No Environment Assessment Worksheet (EAW) preparation is anticipated.

Comments and requests for additional information on this project should be submitted by August 4, 1977 to:

Donald K. Perwien
Minnesota Pollution Control Agency
1935 W. County Rd. B-2
Roseville, MN 55113
(612) 296-7329

Negative Declarations (No EIS)

The Environmental Assessment Worksheets (EAWs) listed below have been filed with the EQB. These EAWs determined that EISs are not needed on these projects because they are not major actions and do not have the potential for significant environmental effects. **The EQB will reconsider these findings only if objections are filed by August 4, 1977.** MEQC Rule 28B. indicates the procedures for filing objections to a Negative Declaration.

Sod Farming Anoka County

Proposer: Glenn Rehbein Farms, Inc.

Responsible Agency: Rice Creek Watershed District

Project Description: Farming 150 acres of sod annually.

Project Location: Blaine, Anoka County; S½ Sec. 14, R23W, Twp. 31N

Copies of the EAW and supporting documentation are on file for public review from 8:00 a.m. to 5:00 p.m. at 545

Indian Mound, Wayzata, MN 55391, telephone (612) 473-4224.

For further information on this EAW contact John MacLennan, c/o Eugene A. Hickok and Assoc., at the above address and telephone number.

Shorewood Hills Subdivision Freeborn County

Proposer: A-Lea Development Corporation and Leland-Dress Realty, Inc.

Responsible Agency: City of Albert Lea

Project Description: Residential subdivision including single family, one-to-four family, and multi-family dwellings on 146 lots; and excavation of a 3.9 acres for stormwater holding pond and aesthetic feature.

Project Location: Albert Lea, Freeborn County; Section 5, R21W, Twp. 102N.

Copies of the EAW and supporting documentation are on file for public review from 8:00 a.m. to 5:00 p.m. at the Albert Lea Planning Department, 221 East Clark Street, Albert Lea, MN 56007, telephone (507) 373-2393.

For further information on this EAW contact Michael H. Miller, Albert Lea Planning Department, at the above address and telephone number.

Prudential Satellite Office Hennepin County

Proposer: Prudential Insurance Company of America, Corporate Building Department

Responsible Agency: City of Plymouth

Project Description: Construction and operation of approximately 475,000 square foot satellite office facility which would possibly employ ultimately 1700 employees. The building would be four stories high at its highest point.

Project Location: Plymouth, Hennepin County; Sections 33 and 34, R22W, Twp. 119N.

Copies of the EAW and supporting documentation are on file for public review from 8:00 a.m. to 4:30 p.m. weekdays at 3025 Harbor Lane, Plymouth, Minnesota, telephone (612) 559-2800.

For further information on this EAW contact Charles Dillerud, City of Plymouth at the above address and telephone number.

County Ditch 145 Renville County

Proposer: Renville County

Responsible Agency: Renville County

Project Description: Construction of a public drainage system including channel excavation and tile installation.

Project Location: Hawk Creek, Sacred Heart, Wang and Erikson, in Renville County; draining a watershed area of 13.8 square miles in Townships 115 and 116N, Range numbers 37 and 38W, with an outlet into Limbo Creek.

Copies of the EAW and supporting documentation are on file for public review from 8:00 a.m. to 4:30 p.m. at the Courthouse in Olivia, Minnesota, telephone (612) 523-2071.

For further information on this EAW contact Tom Polansky, Courthouse, Olivia, Minnesota, telephone (612) 523-2071, extension 1870.

EIS Preparation Notice

Bayport Marina

The City of Bayport intends to issue a Draft Environmental Impact Statement on the Bayport Marina proposed by Al Holman, David Parkhill, Don Perrenoud, and Fred Sauer.

The proposed project involves construction of a marina including slips, launching, restaurant, and parking facility located in Bayport, Washington County, Sections 11 and 14, R20W, Twp. 29N.

Completion of the Draft EIS is anticipated for August 1, 1977. For further information on the proposed project contact R. A. Lawson, 104 N. Main, Stillwater, MN 55082, (612) 439-4143.

Questions regarding the Draft EIS should be addressed to:

Dorothy R. Smith
City Clerk
City Hall
Bayport, MN
(612) 439-2530

or

W. Liebenow, Consulting Engineer
Banister, Eng.
2353 Rice Street
St. Paul, MN 55113
(612) 484-0272

EQC Monitor

EQC Monitor

New Printing and Reduced Subscription Rates

Starting July 11, 1977 the EQC Monitor will be printed and distributed as a separate document, and will not be printed in the Minnesota State Register. The new publication will be called the EQB Monitor in accord with the Environmental Quality Council's name change to the Environmental Quality Board (EQB).

Due to decreased printing costs, it is expected that the quantity and variety of notices published in the EQB Monitor will be expanded. The Monitor will continue to be published weekly, or as necessary, with no notices remaining unpublished for more than ten working days.

Annual subscriptions to the EQB Monitor have been lowered from \$50 to \$8 per year and can be ordered by sending the order form printed below to the EQB Monitor office. Individual weekly copies may be obtained by sending a self-addressed, stamped envelope for each issue requested.

Questions regarding the EQB Monitor should be directed to:

Eileen Deitcher, Editor
106 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-8541

EQB Monitor

Order Form

Please send me:

- _____ Annual subscription(s) to the *EQB Monitor* at \$8.00 each
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Please enclose check or money order for full amount of purchase made out to "State Planning Agency—Monitor" and mail to:

EQB Monitor
106 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

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Please send me:

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NOTE: The above items are not subject to Minnesota sales tax. *State Register* binders, listed below, do require either sales tax or your tax exempt number.

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These are 3-½ inch durable plastic self-locking binders, imprinted with the *State Register* logo.

Please enclose full amount of items ordered with a check or money order made out to "Minnesota State Treasurer." Remember to include sales tax on binders only.

Name of Company or Organization _____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____ [S.R. 3/14/77]



House of Representatives
Attn: Edward Burdick, Chief Clerk
Room 211 Capitol
St. Paul, Minnesota 55155

I