Overview

This bill abolishes the Department of Public Service and transfers the responsibilities of the Department, as they existed prior to reorganization order no. 181, to various other state agencies. Responsibilities relating to electric, gas and telephone utilities are transferred to the Public Utilities Commission (PUC) and the Office of Strategic and Long-Range Planning. Responsibilities relating to weights and measures are transferred to the Department of Agriculture and the Department of Commerce. Responsibilities relating to removal of prohibited lights are transferred to the Department of Transportation. Finally, some responsibilities shared with other agencies relating to various other functions have been eliminated. These changes in state agency organization would take effect on July 1, 2000.

Article 1: Department of Public Service Reorganization

1 Department of Public Service abolished; responsibilities transferred. This section abolishes the Department of Public Service (Department) and transfers the responsibilities of the Department and the Commissioner of the Department (Commissioner) as they existed prior to issuance of Department of Administration reorganization order no. 181 to various receiving agencies as provided in this section.

Subd. 1. Department abolished; responsibilities transferred. Abolishes the Department and transfers the responsibilities of the Department and the Commissioner to receiving agencies designated in the bill. Provides that the responsibilities are transferred in accordance with Minnesota Statutes, section 15.039.

Subd. 2. Specific positions abolished. Abolishes the following positions in the Department:

- commissioner,
- deputy commissioner,
- assistant commissioner, and
- executive assistant.

Subd. 3. Public Utilities Commission. Provides that all responsibilities of the Department are
transferred to the Public Utilities Commission (PUC) except those responsibilities transferred to other agencies and those responsibilities of the Department which are rescinded as part of the bill. Major responsibilities of the Department that are transferred to the PUC include responsibilities relating to:

- the conservation improvement program (CIP),
- the telecommunications access for communications impaired persons (TACIP) program,
- participation on the environmental quality board,
- enforcement of section 237.04 governing placement of utility wires, and
- testing of measuring equipment.

**Subd. 4. Department of Agriculture.** Provides that the responsibilities of the Division of Weights and Measures are transferred to the Department of Agriculture, except those responsibilities relating to petroleum products and relating to ammonia, motor oil, and batteries.

**Subd. 5. Office of Strategic and Long-Range Planning.** Provides that the Department's energy policy and planning responsibilities (other than CIP) and the Department's public interest advocacy, analysis and investigative functions on utility issues are transferred to the Office of Strategic and Long-Range Planning.

**Subd. 6. Department of Transportation.** Transfers the responsibility of the Department to remove prohibited lights that interfere with railroad operations (Minn. Stat. § 169.073) to the Department of Transportation.

**Subd. 7. Department of Labor.** Transfers the responsibility of the Department to investigate complaints of railroad employees regarding the number of hours such employees are required to work consecutively (Minn. Stat. § 181.30) to the Department of Labor.

**Subd. 8. Department of Commerce.** Transfers the responsibility of the Department to remove prohibited lights that interfere with railroad operations (Minn. Stat. § 169.073) to the Department of Transportation.

**Subd. 9. Rules.** Provides that rules adopted by or transferred to the Department before the effective date of this article become the rules of the receiving agency to which the appropriate rulemaking authority is transferred by this article.

2** Effect on reorganization order.** Provides that this bill supersedes Department of Administration reorganization order number 181 and that the responsibilities transferred by this bill are those as they existed on the day before the reorganization order took effect. Requires that any responsibility transferred to the Department of Commerce by the reorganization order be reallocated as required by this bill. Prohibits the executive branch from transferring responsibilities that are transferred under this bill.

**Article 2: Conforming Amendments**

1** Energy policy duties.** Provides that the Director of the Office of Strategic and Long-Range Planning (Director) is responsible for developing state energy policy in accordance with the requirements of Chapter 216C. Allows the Director to intervene in PUC proceedings and gives the Director the authority to investigate matters in accordance with other statutory authority.

2** Nonpublic data.** Substitutes the Director for the Commissioner in this provision dealing with nonpublic data.

3** Utility service data.**

**Subd. 1. Tenant.** Substitutes the Office of Strategic and Long-Range Planning and the PUC for the Department in the provision governing privacy of data collected about tenants who make complaints regarding energy efficiency.
Subd. 2. Utility or telephone company employee or customer. Substitutes the Office of Strategic and Long-Range Planning for the Department in the provision governing privacy of data collected on employees and customers who make complaints. Also, substitutes of the Office of Strategic and Long-Range Planning and the Department of Human Services for the Department in the provision governing privacy of data collected on customers relating to certain utility programs.

Membership. Provides that the Chair of the PUC shall take the Commissioner's place on the Environmental Quality Board, except that the Chair of the PUC shall be a nonvoting member of the board.

Prohibited light or signal. Substitutes the Department of Transportation for the Department in Minnesota Statutes, section 169.073 governing removal of prohibited lights.

Railroad employee complaints. Substitutes the Department of Labor for the Department in Minnesota Statutes, section 181.30 governing investigation of complaints by railroad employees regarding the number of hours such employees are required to work consecutively.

Department of Public Service abolished. Deletes language establishing the Department in a provision which also establishes the PUC.

Chair. Defines "chair" to be the Chair of the PUC for purposes of chapter 216A.

Employment restrictions. Substitutes the Director for the Commissioner in the provision governing employment with a rate regulated entity within one year after leaving the position. Also, deletes reference to the Deputy Commissioner of the Department in that provision.

Legislative and quasi-judicial functions. Modifies the PUC authority to allow it to adjudicate proceedings before it in which a violation of any law or rule under its jurisdiction is alleged. Currently the PUC has authority to adjudicate alleged violations of "any law or rule administered by the Department."

Enforcement. Requires the Attorney General to investigate alleged violations of and enforce the requirements of chapters 216A, 216B, and 237, and orders of the PUC issued pursuant to those chapters upon request of the PUC.

Commissioner's duties. Deletes language providing that the Commissioner is the head of the Department. Substitutes the Director for the Commissioner with regard to the general authority to prepare forms, require filing of forms, inspection of records, and take depositions.

Intervention in commission proceeding. Substitutes the Director for the Commissioner in terms of authority to intervene as a party in all PUC proceedings.

Investigation. Substitutes the Director for the Commissioner in terms of general investigative authority.

Rulemaking. Substitutes the Director for the Commissioner in terms of authority to make rules.

Mission. Substitutes the Office of Strategic and Long-Range Planning for the Department in terms of mission.

Energy issues intervention division. Amends the provision relating to the Energy Issues Intervention Office, currently part of the Department, to establish an equivalent Energy Issues Intervention Division in the Office of Strategic and Long-Range Planning.

Cooperation. Substitutes the Office of Strategic and Long-Range Planning for the Department in the provisions governing coordination with the PUC.

Election for rate regulation. Amends the provision governing election by an electric cooperative to become subject to rate regulation by the PUC to require the PUC to prepare the petition form. The language also provides that the petition signature verification process shall be conducted by the cooperative and the PUC.
21 Inspection of public utility records and property. Substitutes the Office of Strategic and Long-Range Planning for the Department with regard to the authority to enter the premises of a public utility to inspect records and property.

22 Suspension of a proposed electric or gas rate. Substitutes the Office of Strategic and Long-Range Planning for the Department with regard to raising issues relating to proposed rates.

- Conservation improvement program (CIP). Modifies the CIP statutes to provide that the PUC shall administer CIP in place of the Department.

- Energy policy. Modifies provisions in Chapter 216C to provide that the Office of Strategic and Long-Range Planning is responsible for energy policy, in place of the Department. The remaining provisions in section 216C are modified as part of the Revisor's instructions.

33 Suspension of proposed telephone rate. Substitutes the Office of Strategic and Long-Range Planning for the Department with regard to raising issues relating to proposed rates.

34 Inspection of telephone company records and property. Substitutes the Office of Strategic and Long-Range Planning for the Department with regard to the authority to enter the premises of a telephone company to inspect records and property.

35 Extension of interexchange facilities. Deletes reference to the Department of Public Safety.

36 Annual TACIP report. Provides that the PUC, in place of the Department, shall prepare the annual TACIP report and submit the report to the chairs of the House and Senate committees and subcommittees with jurisdiction over telephone service. Currently, the report is prepared by the Department and submitted to the PUC.

37 Cost increase in telephone service. Modifies this provision governing certain requests for rate increases to provide that the PUC shall make a decision within 40 days of a request. Deletes language providing that the Department shall review such a request and make a recommendation to the PUC regarding the appropriateness of the request.

38 Telephone assistance plan. Modifies this provision to delete references to the Department and substitutes the Office of Strategic and Long-Range Planning and the PUC.

39 Exemption from rate-of-return regulation. Substitutes the Office of Strategic and Long-Range Planning for the Department with regard to authority to investigate matters other than earnings relating to telephone companies under AFOR plans.

40 Periodic financial report. Modifies this provision to require filing at the PUC in place of filing at the Department.

41 Small telephone company AFOR plans; rate change. Modifies this provision governing review of proposed rate increases by small telephone companies under AFOR plans. Under current law, the review is done by both the Department and the PUC. This section modifies the provision to have the review done solely by the PUC.

42 Weights and measures fee. Amends this provision to provide that revenues received from the weights and measures fees are deposited in a separate account and are annually appropriated to the Department of Agriculture for inspection and testing purposes.

43 Access charge. Deletes the authority of the Department to enforce interexchange access charge agreements of small telephone companies. The PUC retains the authority to enforce such agreements. Substitutes the Office of Strategic and Long-Range Planning for the Department in terms of authority to investigate matters relating to interexchange access charges.

44 Electrical safety standards. Substitutes the Commissioner of Administration and the Commissioner of Public Safety for the Department of Public Service.

45 Instructions to the revisor. Makes additional changes to conform existing statutes to the abolishment of the Department and the transfer of responsibilities as provided in section 1. This
section also eliminates the Department's or Commissioner's shared responsibility with regard to:
operating a state employee transportation program (Department of Administration operates this program in cooperation with the Department, DOT and interested nonprofit agencies; deletes reference to the Department) (Minn. Stat. § 16B.56)
promoting urban forests (shared responsibility with the Department of Natural Resources (DNR) and others; deletes reference to the Department and the Commissioner) (Minn. Stat. § 17.86);
providing diseased shade tree recommendations (the DNR and Department of Agriculture are to make recommendations, after consultation with the Department and the Minnesota shade tree advisory committee, on the potential uses of removed diseased trees; deletes reference to the Department) (Minn. Stat. § 18.024)
reviewing draft management plans for proposed wild and scenic rivers (this provision requires the DNR to make such plans available for review by a number of different governmental and nongovernmental bodies including the Department; deletes reference to the Department) (Minn. Stat. § 103F.325)

46 Repealer. Repeals the following sections of law:
216A.06 - establishing the office of the Commissioner of the Department;
216A.07, subdivision 2 - providing that the Commissioner is responsible for enforcement of chapters 216A, 216B, and 237 and orders of the PUC issued pursuant to those chapters.
216B.02, subdivision 8 - containing a definition of "department" as the Department of Public Service
216B.163, subdivision 8 - including an out of date reporting requirement; and
237.69, subdivision 3 - containing a definition of "department" as the Department of Public Service.

47 Effective date. Provides that articles 1 and 2 are effective July 1, 2000.