

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules of the  
Public Utilities Commission Relating to  
Residential White Pages Directory  
Publication and Distribution

**ORDER ON REVIEW  
OF ADDITIONAL NOTICE  
PLAN AND DUAL NOTICE**

This matter came before Administrative Law Judge Barbara L. Neilson upon the request of the Minnesota Public Utilities Commission (Commission) for a legal review of the Additional Notice Plan and Dual Notice of Intent to Adopt Rules in the above-captioned proceeding under Minn. R. 1400.2060 and 1400.2080 (2013).

Under its Additional Notice Plan, the Commission plans to publish the Notice of Intent to Adopt Rules, the text of the proposed rules, and the Statement of Need and Reasonableness on the Commission's website; issue a press release to all newspapers of general circulation throughout the state; and mail the Notice of Intent to Adopt Rules to Minnesota's telecommunication companies and to individuals who are on the Commission's official service list for this proceeding.

Based upon a review of the written submissions by the Commission,

**IT IS HEREBY ORDERED THAT:**

1. The Additional Notice Plan is **APPROVED**.
2. Provided that revisions are made on page 2 of the Dual Notice to reflect the name and contact information for the assigned Administrative Law Judge, the Dual Notice is **APPROVED**.<sup>1</sup>

Dated: December 22, 2014

s/Barbara L. Neilson  
\_\_\_\_\_  
BARBARA L. NEILSON  
Administrative Law Judge

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<sup>1</sup> Although not required, it is also suggested that slight modifications to the Dual Notice be made prior to publication to conform more closely to the wording suggested in Minn. R. 1400.2540 (2013). These changes will clarify that it is the responsibility of the Office of Administrative Hearings and not the agency to hold the public hearing. In addition, to avoid any confusion, the revisions will allow comments to be submitted to the Administrative Law Judge through eDockets. The suggested modifications are noted in the attachment.

## Minnesota Public Utilities Commission

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD4218**

### Proposed Amendment to Rules Concerning White Pages Directory Publication and Distribution

**Introduction.** The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 5, 2015, ~~the Commission will hold~~ a public hearing in the Public Utilities Commission's Large Hearing Room, 121 7th Place East, St. Paul, Minnesota 55101, starting at 10:00 a.m. on Monday, March 2, 2015. To find out whether the Commission will ~~adopt the rules without a hearing or if it will hold the hearing~~, you should contact the agency contact person after February 5, 2015 and before Monday, March 2, 2015.

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**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Christopher Moseng at Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, (651) 201-2223, and christopher.moseng@state.mn.us.

**Subject of Rules and Statutory Authority.** Commission rules currently require delivery of a printed white pages directory to each customer of a local service provider, except where an offer for a directory is made and explicitly refused by the customer.

The proposed rules would allow Local Service Providers to determine whether they will offer electronic directories in lieu of printed directories, except when individual customers elect to receive printed directories. The proposed rules also allow Local Service Providers *not* to publish electronic directories and to continue to deliver printed directories consistent with the status quo. Finally, in cases where an electronic directory is the Local Service Provider's default option, the proposed rules require notice to customers to ensure they know how to access or receive their preferred directory format.

The statutory authority to adopt the rules is Minnesota Statutes, sections 237.10 and 237.16. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, February 5, 2015, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period. Please refer to <sup>PUC</sup> Docket No. E-999/R-13-459 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

or the Commission's electronic filing system

under the PUC Docket Number (13-459)

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**Request for a Hearing.** In addition to submitting comments, you may also request that ~~the Commission hold~~ a hearing on the rules. You must make your request for a public hearing in writing, which must be e-filed, or the agency contact person must receive, by 4:30 p.m. on Thursday, February 5, 2015. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, ~~the Commission will hold~~ a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

(may be modified)

**Modifications.** ~~The Commission might modify~~ the proposed rules, either as a result of public comment or as a result of the rule hearing process. ~~It must support~~ modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, ~~the Commission encourages you~~ to participate in the rulemaking process.

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**Cancellation of Hearing.** ~~The Commission will cancel~~ the hearing scheduled for March 2, 2015, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2223 after February 5, 2015 to find out whether the hearing will be held.

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**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, ~~the Commission will hold~~ a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. ~~The Commission will hold~~ the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard.

Barbara L. Neilson

Administrative Law Judge [judge's name] is assigned to conduct the hearing. Judge [name] can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone [judge's phone], and FAX 651-361-7936.

Neilson's legal assistant, Kendra McCausland

651-361-7870,

is held,

539-0300.

**Hearing Procedure.** If ~~the Commission holds~~ a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the

hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. ~~The Office of Administrative Hearings must receive~~ all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The Commission requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person, or for free at the Commission's Website: <http://www.mn.gov/puc/aboutus/rulemaking-project/> under Docket No. 13-459.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the Commission may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date \_\_\_\_\_

\_\_\_\_\_  
Burl W. Haar  
Executive Secretary

must be received at the Office of Administrative Hearings by fax, delivery, or U.S. mail or e-filed in PUC Docket No. 13-459 using the Commission's electronic filing system located at <https://www.edockets.state.mn.us/> E Filing, by 4:30 p.m. on the due date. Please refer to OAH Docket No. 11-2500-32109 in your comments.

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