

ISSUE DATE: July 21, 1997

DOCKET NO. P-999/R-95-53

ORDER ADOPTING PERMANENT RULES

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward Garvey  
Joel Jacobs  
Marshall Johnson  
Don Storm

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of Permanent Rules Governing  
the Competitive Provision of  
Telecommunications Service, Parts 7812.0050  
to 7812.2300

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**PROCEDURAL HISTORY**

On January 13, 1997, the Commission authorized proposal of the above-entitled rules. These rules were proposed on January 27, 1997 by mail and by publication in the State Register pursuant to the requirements of the Minnesota Administrative Procedure Act (MAPA). A Statement of Need and Reasonableness (SONAR) was also made available for review.

The Commission received substantial written comments from 15 affected parties. The comments included 29 requests for a public hearing under Minn. Stat. § 14.24, subd. 1.

On March 12, 1997, a hearing under Minn. Stat. § 14.14 was conducted by the Office of Administrative Hearings, with Administrative Law Judge Allan Klein presiding. Judge Klein took oral argument at the hearing and extended the post-hearing comment period to the maximum 20 days allowed under Minn. Stat. § 14.15, subd. 1. Judge Klein directed interested persons to file their post-hearing with the Commission by March 27, 1997, to give the Commission to consider those comments and make changes to the proposed rules before the record closed on April 8, 1997.

On April 4, 1997, the Commission met to consider staff-recommended changes to the proposed rules based on the comments received subsequent to publication of the proposed rules on January 27, 1997. On April 8, 1997, the Commission issued comments modifying the proposed rules as recommended by Commission staff. These comments were filed with Judge Klein on April 8, 1997, before the record closed.

On May, 8, 1997, Judge Klein issued his Report in this matter.

On June 19, 1997, the Commission met to consider adopting the above-entitled rules.

## **FINDINGS AND CONCLUSIONS**

Judge Klein's Report found no substantive defects in the proposed rules and recommended their adoption. The Commission finds the rules necessary, reasonable and consistent with the public interest, including all applicable laws. Therefore, the Commission adopts the Findings, Conclusions and Recommendation of the Administrative Law Judge, dated May 8, 1997, and will adopt the above-entitled rules, which are attached to this Order. The record, including the comments of interested persons, the Commission's Statement of Need and Reasonableness, and the Commission's April 8 comments modifying the proposed rules, demonstrate and support the need for and reasonableness of these rules.

## **ORDER**

1. The Commission hereby adopts the above-entitled rules as attached to this Order.
2. This Order shall become effective immediately and the rules shall become effective July 28, 1997.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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