

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Amendment  
to Rules Relating to The Minnesota  
Electrical Code, Minnesota Rules,  
Chapter 1315

**ORDER ON REVIEW OF  
RULE UNDER  
MINN. STAT. § 14.26**

The Minnesota Board of Electricity (Board) is seeking review and approval of the amendment to the above-entitled rule, proposed for adoption by the agency pursuant to Minn. Stat. § 14.26 (2024). On June 18, 2026, the Court of Administrative Hearings (CAH) received the documents that must be filed by the Board under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2025).<sup>1</sup> Based upon a review of the written submissions and filings, Minnesota Statutes, Minnesota Rules, and for the reasons in the Memorandum that follows,

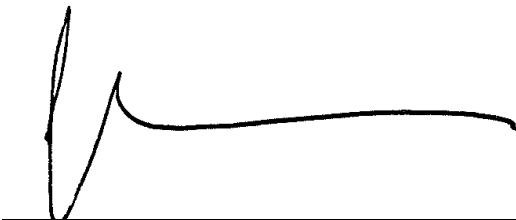
**IT IS HEREBY DETERMINED:**

1. The Board has the statutory authority to adopt the amendment to the rule.
2. The amendment to the rule was adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2024), and Minnesota Rules, Part 1400 (2025).
3. The record demonstrates the rule change is needed and reasonable.

**IT IS HEREBY ORDERED THAT:**

The rule amendment is **APPROVED**.

Dated: June 30, 2026

A handwritten signature in black ink, appearing to read 'CHRISTA L. MOSENG', written over a horizontal line.

CHRISTA L. MOSENG  
Administrative Law Judge

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<sup>1</sup> The Board amended its filing on June 23, 2026, with supplemental Exhibits G1 and G2.

## MEMORANDUM

The Board of Electricity submits its proposal to amend Minnesota Rule 1315.0200 to incorporate by reference the 2026 edition of the National Electrical Code, in place of the 2023 edition. The Board submits the proposed amendment for review under Minn. Stat. § 14.26 and Minn. R. 1400.2310.

One deficiency was apparent in the Board's initial filing. To comply with Minn. R. 1400.2310, an agency must file (among other things):

G. the certificate of mailing the notice of intent to adopt rules and certificate of accuracy of its mailing list;

The Board's initial filing did not clearly certify that it complied with the previously approved additional notice plan for this rulemaking.<sup>2</sup> The Board supplemented its initial filing to more clearly certify that it gave notice in accordance with the previously approved Additional Notice Plan. Having certified that it implemented the approved notice plan, the Board showed that it met the statutory requirement to make reasonable efforts to notify members of the public who may be significantly affected by the rule.<sup>3</sup>

The Board certified the accuracy and completeness of the mailing list used to contact recipients on its statutory rulemaking mailing list. The court observes, however, that the Board's original and supplemental Exhibits G2, the Certificate of Accuracy of the Mailing List, are both incomplete. The Certificate states that "[a] copy of the mailing list is attached to this Certificate." The statutory rulemaking mailing list is not attached to the certificate.<sup>4</sup>

The undersigned concludes that this is a harmless error that must be disregarded under Minn. Stat. § 14.15, subd. 5. The Board certified that it provided the required notice to individuals and entities on its rulemaking mailing list. The shortcoming in the Board's filing did not deprive any person of an opportunity to participate meaningfully in the rulemaking process.

Including the mailing list as an attachment to the certificate of accuracy would better demonstrate that the agency complied with the procedural requirement and should be the ordinary practice.

**C.L.M.**

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<sup>2</sup> Order on Review of Additional Notice Plan and Dual Notice (April 9, 2025). The Board's initial filing did not clearly certify that the Board notified certain recipients that were both listed in the Additional Notice Plan and also on its statutory rulemaking notice mailing list.

<sup>3</sup> See Minn. Stat. § 14.22, subd. 1 ("In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication."); Minn. R. 1400.2060, subp. 4 ("An approved additional notice plan is the office's final determination that the additional notice plan is adequate *if the agency implements the additional notice plan.*") (emphasis added).

<sup>4</sup> Had the Board included the mailing-list attachment to its certificate, the court could have independently ascertained that the Board provided notice to all notice-plan recipients.