

1.1 A bill for an act

1.2 relating to utilities; making technical change relating to ex parte rules of Public
1.3 Utilities Commission; amending Minnesota Statutes 2006, section 216A.037,
1.4 subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 216A.037, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **Ex parte communications prohibitions; rules.** (a) The commission
1.9 shall adopt rules under chapter 14 prescribing permissible and impermissible ex parte
1.10 communications. The ex parte rules may prohibit only ex parte communications, directly
1.11 or indirectly, between a commissioner and a ~~participant~~ party under the commission's
1.12 rules of practice and procedure relating to:

1.13 (1) a material issue during a pending contested case proceeding;

1.14 (2) a material issue in a rulemaking proceeding after the beginning of commission
1.15 deliberations;

1.16 (3) a material issue in a disputed formal petition; and

1.17 (4) any other communication impermissible by law.

1.18 (b) The commission may apply ex parte prohibitions, prospectively and after notice
1.19 to affected parties, to other commission proceedings as the commission deems necessary.

1.20 (c) A contested case is pending from the time the commission refers the matter to
1.21 the Office of Administrative Hearings until the commission has issued its final order, and
1.22 the time to petition for reconsideration has expired or the commission has issued an order
1.23 finally disposing an application for reconsideration, whichever is later.