

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Jennings and Wolf  
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**Analyst:** Jeanne M. Cochran, 651-296-8961

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### Overview

The bill amends the law governing ex parte contacts with public utilities commission (PUC) commissioners and establishes a process governing complaints alleging violations of the ex parte contact rules and the code of conduct rules.

#### 1 **Ex parte communications.**

**Subd. 1. Prohibition; rules.** Amends existing law to provide that the PUC ex parte contract rules are to apply to communications between a commissioner and a party or a participant to a PUC proceeding. Under current law, the rules are to apply only to communications between commission members and a party. Authorizes the PUC to apply ex parte prohibitions prospectively to commission proceedings other than those covered by the rules when the commission deems it necessary after notice to the affected parties.

**Subds. 2-3. Technical.** Changes the head notes to more accurately reflect the content of the subdivisions.

**Subd. 4. Complaint procedure.** Establishes a procedure for seeking sanctions for alleged violations of ex parte contact rules or code of conduct rules. Requires the person seeking sanctions to file a complaint with the PUC that must contain certain information including the facts constituting the alleged violation and sanctions sought by the complaint. Establishes a process that must be followed once the complaint is filed with the PUC.

Requires the PUC to refer the complaint to the office of administrative hearings. Provides that the findings and decisions of the administrative law judge as to whether ex parte violations have occurred are binding on the PUC. Requires the administrative law judge to make recommendations regarding the imposition of sanctions. Provides that the administrative law judge may only recommend that the PUC impose one of the sanctions provided in the bill if the judge finds that conditions specified in the bill with regard to

that sanction are met. The different sanctions include dismissing a proceeding, issuing an adverse ruling, striking evidence or issuing a public statement of censure.

Provides that if the administrative law judge finds a complainant's allegation of an ex parte violation to be frivolous, the judge may recommend that the PUC issue a ruling adverse to the complainant on a pending issue that is the subject of the prohibited ex parte communication.