

March 14, 2023

**VIA EMAIL ONLY**

Jeffrey F. Lebowski  
General Counsel  
Minnesota Department of Labor and Industry  
443 Lafayette Rd N  
Saint Paul, MN 55155  
[jeffrey.f.lebowski@state.mn.us](mailto:jeffrey.f.lebowski@state.mn.us)

**Re: *In the Matter of the Board of Electricity's Adoption of the 2023  
National Electrical Code; R-4778***  
**OAH 23-9001-39062; Revisor R-4778**

Dear Mr. Lebowski:

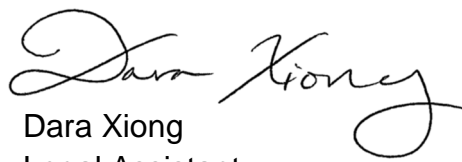
Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN AND DUAL NOTICE** in the above-entitled matter.

Prior to publishing the Dual Notice in the State Register, please notify the Office of Administrative Hearings (OAH) at [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us) in order to activate the agency's eComments page on OAH's website. **Please note that if you do not notify us of the publication, the eComments site will not be available to receive public comments.**

For the convenience of the Office of Administrative Hearings, the Administrative Law Judge requests the Minnesota Department of Labor and Industry to change the contact information on page 3 of the Dual Notice, the paragraph titled Notice of Hearing, to read "Judge Todnem's Legal Assistant William Moore can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and fax 651-539-0310 or [William.t.moore@state.mn.us](mailto:William.t.moore@state.mn.us)."

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us) or via facsimile at (651) 539-0310.

Sincerely,

  
Dara Xiong  
Legal Assistant

Enclosure

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rules Governing  
Adoption of the 2023 National Electrical Code,  
*Minnesota Rules*, Part 1315.0200

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

This matter came before Administrative Law Judge Suzanne Todnem on March 8, 2023, upon the Minnesota Board of Electricity's (Board) request for a legal review under Minn. R. 1400.2060, .2080 (2021) of the Additional Notice Plan and Dual Notice of Intent to Adopt Rules (Dual Notice) in the above-captioned proceeding.

Under its Additional Notice Plan, the Board intends to notify, by sending an electronic notice with a hyperlink to electronic copies of the Dual Notice, Statement of Need and Reasonableness (SONAR), and the proposed rule amendments to:

- a. Associated Builders and Contractors
- b. Associated General Contractors of Minnesota
- c. Association of Minnesota Counties
- d. Builders Association of Minnesota (BAM)
- e. Building Owners and Managers Association (BOMA) – Minnesota chapters (St. Paul, Duluth, and Greater Minneapolis)
- f. Central Minnesota Builders Association (CMBA)
- g. Contract Electrical Inspector Association of Minnesota (CEIAMN)
- h. Electrical Association
- i. Housing First Minnesota
- j. IBEW Minnesota State Council
- k. League of Minnesota Cities
- l. Local chapters of the Association of Minnesota Building Officials (AMBO) (Arrowhead, Southeast, 10,000 Lakes, Southwest, and Northwest)
- m. Local chapters of the International Brotherhood of Electrical Workers (IBEW Locals 23, 110, 160, 242, 292, 294, 343, 731, 949, and 1999)
- n. Manufactured & Modular Home Association of Minnesota (MMHA)
- o. Minnesota chapter of the International Association of Electrical Inspectors (IAEI)
- p. Minnesota Electronic Security and Technology Association
- q. Minnesota Farm Bureau
- r. Minnesota Farmers Union
- s. Minnesota Mechanical Contractors Association
- t. Minnesota Municipal Utilities Association
- u. Minnesota Nursery & Landscape Association

- v. Minnesota Rural Electric Association (MREA)
- w. Minnesota Solar Energy Industries Association (MnSEIA)
- x. Minnesota State Fire Chiefs Association
- y. Minnesota Utility Contractors Association
- z. National Electrical Contractors Association (NECA) – Minnesota Chapters (St. Paul, Minneapolis, and Twin Ports)
- aa. Sustainable Farming Association of Minnesota

The Board also plans to publish the Notice of Intent to Adopt, the SONAR, and the proposed rules on the Board's rulemaking docket on the Board's website. The Board will also give notice to the Legislature in accordance with Minn. Stat. § 14.116 (2022), notify the Commissioner of Agriculture in accordance with Minn. Stat. § 14.111 (2022), and publish the proposed rules in the *Minnesota State Register*.

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

**IT IS HEREBY ORDERED THAT:**

1. The Additional Notice Plan is **APPROVED**.
2. The Dual Notice is **APPROVED**, contingent upon the Board amending certain paragraphs in the Dual Notice to read as follows:<sup>1</sup>

**Introduction.** The Minnesota Board of Electricity (Board) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), *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 April 19, 2023**, the Board will hold a public hearing via WebEx. An Administrative Law Judge will conduct the hearing starting at **9:30 a.m. on Tuesday, May 23, 2023**, and continuing until the hearing is completed. You may participate in the hearing, if one is held, via an internet connection with a computer, smart phone, or tablet. You may also participate via phone with an audio connection only.

*And,*

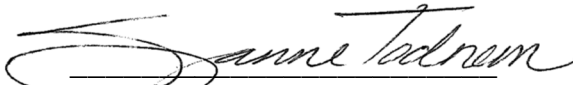
All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings *strongly* encourages all persons submitting comments and responses to do so using the Administrative Hearings' Rulemaking eComments website at: <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may submit post-hearing

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<sup>1</sup> The underlining indicates the changes and should not be included in the published notice.

comments in person, via United States mail, or by facsimile addressed to Judge Todnem at the address or facsimile number listed in the Notice of Hearing section above.

Dated: March 14, 2023

  
SUZANNE TODNEM  
Administrative Law Judge