

August 11, 2022

VIA EMAIL ONLY

Brittany Wysokinski
Minnesota Department of Labor and
Industry
443 Lafayette Rd
Saint Paul, MN 55155
brittany.wysokinski@state.mn.us

**Re: In the Matter of the Possible Amendments to Rules Governing the
Minnesota Commercial Energy Code, Minnesota Rules, Chapter 1323
OAH 21-9001-38548; Revisor R-4696**

Dear Ms. Wysokinski:

Enclosed herewith and served upon you is the **ORDER ON REQUEST TO OMIT FROM THE NOTICE THE TEXT OF PROPOSED RULES, PURSUANT TO MINN. STAT. §§ 14.14 AND 14.22** in the above-entitled matter. The Administrative Law Judge has determined there are no negative findings in these rules.

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



DARA XIONG

Legal Assistant

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Request for
Authorization to Omit Proposed Rules
Text from Notice and Publication for
Rules Governing Commercial Energy
Code, Chapter 1323

**ORDER ON REQUEST TO OMIT
FROM THE NOTICE THE TEXT OF
PROPOSED RULES, PURSUANT
TO MINN. STAT. §§ 14.14 and 14.22**

This matter comes before Chief Administrative Law Judge Jenny L. Starr on a request by the Minnesota Department of Labor and Industry (Department) filed on August 4, 2022. The request seeks authorization for the Department to omit the text of the proposed rules from the Dual Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing (Dual Notice) and Notice of Hearing, pursuant to Minn. Stat. §§ 14.14, subd. 1a(b), 14.22, subd. 1(b) (2022).

The Department asserts that publishing the rule language in the *State Register* would be “unduly cumbersome, expensive, and/or otherwise inexpedient.” The rulemaking concerns adoption of a commercial energy standard. The Department states that there are approximately 19 pages of proposed rule text with several charts. According to the Department, the cost of publishing the rule text in the *State Register* is estimated to be more than \$1,890. The Department asserts that such expenses are unnecessary, given that the class of persons affected by the proposed rules is limited and the Department communicates regularly with them through meetings, newsletters, mailings, and seminars. The Department states that it also provides current information about its rulemaking activity on its website, including all available rule drafts.

The Department represents that it will state in the Dual Notice that a free copy of the rule text is available upon request and that the proposed rule drafts are available on the Department’s website. In addition, the Department states that it will provide sufficient detail of the specific subject matter of the omitted text in the Dual Notice. Based upon the reasons asserted by the Department,

IT IS HEREBY ORDERED THAT:

Contingent upon the Department including an electronic link to the proposed rules in its Dual Notice and Notice of Hearing, the Department’s request to omit the text of the proposed rules for publication in the *State Register* is **GRANTED**.

Dated: August 11, 2022



JENNY L. STARR
Chief Administrative Law Judge