

Bond Case Briefs

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PUBLIC UTILITIES - MINNESOTA

Matter of Qwest Corporation

Court of Appeals of Minnesota - September 24, 2018 - N.W.2d - 2018 WL 4558313

Telecommunications utility petitioned for resolution of dispute with railroad concerning utility's request to install underground line to run parallel to train tracks in railroad's right-of-way to provide telecommunications service to radio station.

The Public Utilities Commission entered order allowing utility to proceed with its crossing application and denied reconsideration. Railroad filed a certiorari appeal.

The Court of Appeals held that:

- Crossing fee authorized by statute governing a utility's crossing or paralleling a railroad's right-of-way does not violate takings clauses of Federal and State Constitutions;
- Statute was not preempted by federal Interstate Commerce Commission Termination Act (ICCTA); and
- Statute applied to utility's proposed underground line.