

The Commission met on **Thursday, March 7, 2013**, with Chair Heydinger and Commissioners Boyd, Lange, O'Brien, and Wergin present.

The following matters were taken up by the Commission:

TELECOMMUNICATIONS AGENDA

P-999/M-12-356

In the Matter of Intercarrier Compensation Reform Required by FCC Order

Commissioner Boyd moved to close the docket.

The motion passed 5-0.

P-6883/M-11-1249

In the Matter of the Petition of Q Link Wireless LLC for Designation as an Eligible Telecommunications Carrier in Minnesota

Commissioner Wergin moved to take the following actions:

1. Find that Q Link Wireless LLC (Q Link) has met the requirement to demonstrate that it will provide voice telephony services.
2. Find that Q Link has met the facilities ownership requirement by virtue of the FCC's waiver.
3. Find that Q Link has met the service offering requirement.
4. Find that Q Link meets the advertising plan requirement subject to the condition that within 30 days of the date of this Order, Q Link must file a formal advertising and outreach plan listing the local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of Lifeline service, and a proposed schedule or anticipated frequency of such advertising.
5. Find that Q Link has met the requirement to demonstrate emergency functionality.
6. Find that Q Link has met the requirement to make a commitment to consumer protection.
7. Find that Q Link meets the requirement to file an informational tariff, subject to the following: within 30 days of the date of the Commission's Order, Q Link shall file a revised tariff or customer service agreement containing all rates, terms, conditions, service quality commitments, and other provisions that apply to its Lifeline service, including a detailed description of its designated service area by attaching a list of Minnesota exchanges or zip codes in which it offers Lifeline service. The tariff shall provide clear notice to consumers of the Commission's contact information (telephone number, fax number, and email address) and the availability of this Commission in addressing customer questions, concerns, comments, and complaints; and a copy of the CTIA standards to which Q Link will adhere.

8. Require Q Link to notify the Commission and the Department, in writing, immediately upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. Require Q Link to submit a revised tariff or customer-service agreement page to reflect such changes.
9. Find that Q Link has met the requirement to demonstrate its financial and technical capability.
10. Find that Q Link's proposed rates for its Lifeline service are in the public interest (including its offer of additional minutes at \$0.10 per minute or less in denominations beginning at \$5.00) and require that Q Link offer to Minnesota customers the highest number of free minutes of usage it offers in any jurisdiction and supplementary minutes priced at the lowest level it offers in any jurisdiction in which Q Link provides wireless Lifeline service to the extent that it receives at least as much government support as it does in Minnesota.
11. Find that Q Link's proposal to offer its customers refurbished handsets with a 90-day warranty is in the public interest.
12. Find that Q Link meets the public service answering point requirement upon a showing that it has obtained certification of its handsets by the Minnesota Department of Public Safety. Absent such a showing, it shall not offer service to Lifeline customers in Minnesota.
13. Find that the Commission need not set a date certain for review of Q Link's ETC designation.
14. Require Q Link to report, if it determines that it cannot reasonably serve a customer, the unfulfilled request to the Department and the Commission within 10 days after making such a determination.
13. Require Q Link to comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
14. Require Q Link to assign to its Lifeline customers telephone numbers that are assigned to the free calling area for the local telephone exchange where the customer resides.
15. Approve Q Link's petition for ETC designation for Lifeline services subject to the terms and conditions addressed in each of the decisions above.

The motion passed 5-0.

E-002/TL-12-1151

In the Matter of the Application of Xcel Energy for a Route Permit for the Kohlman Lake to Goose Lake 115 kV Transmission Line Upgrade Project in Ramsey County

Commissioner Wergin moved to take the following actions:

1. Accept the application as complete.
2. Appoint a Commission staff person as public advisor.
3. Take no action on an advisory task force at this time.
4. Vary Minnesota Rules, part 7850.3700, subp. 3, to vary the ten-day timeline. Request the EFP to present draft route alternatives for review and consideration by the Commission so that it can provide input into the environmental assessment scoping decision of the Commissioner of Commerce.
5. Refer this case to the Office of Administrative Hearings (OAH) for a summary proceeding, and request that the OAH adapt the existing procedural framework set forth in Minn. Rule 7850.3800 to incorporate the following items:
 - A. Request that the Administrative Law Judge (ALJ) assigned to the matter emphasize the statutory time frame for the Commission to make final decisions on applications and strongly encourage the parties and participants to adhere to a schedule that conforms to the statutory timeframe;
 - B. Request that prior to the public hearing, and based on the record at that point, the EFP submit to the ALJ and file its comments on the merits of the application; its environmental assessment; evidence of compliance with environmental review procedures; and recommended permit language or specific provisions relative to permissible routes. The environmental assessment should include an analysis and preliminary ranking of the route alternatives using the selection criteria established in Minn. Stat. § 216E.03, subd. 7, and Minn. Rules, part 7850.4100.
 - C. Request that the ALJ ask the parties, participants, and the public to address whether the proposed project meets the selection criteria established in Minn. Stat. § 216E.03, subd. 7, and Minn. Rules, Chapter 7850.4100.
 - D. Request that the administrative law judge prepare a report setting forth findings, conclusions, and recommendations on the merits of the proposed project and a preferred route alternative, applying the routing criteria set forth in statute and rule; and provide comments and recommendations, if any, on the conditions and provisions of the proposed permit.
6. Direct staff to formally contact relevant state agencies to request their participation in the development of the record and public hearings under Minn. Stat. § 216E.10, subd. 3, and requests that state agencies submit comments prior to the last day of the public hearing.

The motion passed 5.-0.

E-111/M-13-39

In the Matter of the Petition to Modify the Monthly Rate for the Optional Renewable Energy Rider

Commissioner Boyd moved to approve DEA's petition as filed.

The motion passed 5-0.

E-002/M-13-19

In the Matter of Xcel Energy's Request for a Variance to the Billing Error Rules

Commissioner Wergin moved to vary Minn. Rules, part 7820.3800 and a one-time modification to the Billing Error Tariff.

The motion passed 5-0.

E-999CI-09-1449

In the Matter of an Investigation of Whether the Commission Should Take Action on Demand Response Bid Directly in to the MISO Markets by Aggregators of Retail Customers under FERC Orders 719 and 719-A

Commissioner Boyd moved to do the following

1. Accept the filings by Interstate Power and Light, Minnesota Power, Otter Tail Power, and Northern States Power Company d/b/a Xcel Energy as complying with the Commission's Order Accepting Filings, Requiring Expanded Cost-Effective Demand Response Investments, and Soliciting Further Comments (August 31, 2012).
2. Determine that no further action on pilot projects is necessary at this time.

The motion passed 5 – 0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: March 27, 2013



Burl W. Haar, Executive Secretary