

The Commission met on **Thursday, December 8, 2011**, with Chair Anderson, and Commissioners Boyd, Reha and Wergin present.

The following matters were taken up by the Commission:

TELECOMMUNICATIONS AGENDA

P-5024,3030,6827/PA-11-1063

In the Matter of the Petition for the Transfer of Global Tel*Link Corporation, Value Added Communications, Inc. and Control of Value-Added Communications, Inc.

Commissioner Wergin moved that the Commission approve the petition and to direct Global Tel*Link Corporation (GTL), Value-Added Communications, Inc. (VAC), and Public Communications, Inc. (PCS) to continue to provide inmate telephone services under their current respective authorities as competitive local exchange carriers with the following conditions:

1. Prior to billing any intrastate surcharges, or fees that result in a price increase to Minnesota end users, a tariff must be filed pursuant to Minn. Rules, part 7812.2210, subpart 3(B), and there must be an opportunity for parties to comment.
2. End users with whom GTL, VAC, or PCS have billing relationships (either through a local exchange carrier or an advance pay account), must be provided with advance notice of any increase (including the implementation of surcharges or fees).
3. All deposits, advance payments, fees, and all other end-user terms and conditions associated with advance pay accounts, must be tariffed pursuant to Minn. Rules, part 7812.2210, subpart 2B.
4. To the extent that any such charges, fees, advance payments or deposits (collectively "charges") that apply to customers are not specifically provided for by contract, the institution to whom GTL, VAC and PCS provide service must be notified of the charges prior to any billing of such charges.
5. GTL, VAC, PCS, and ASP GTL Holdco, LLC, must file a notice of consummation within 20 days of the closing of the transaction.

The motion passed, 4-0.

FACILITIES PLANNING AGENDA

IP-6858/WS-11-195

In the Matter of the Site Permit Application of Shell Rock Wind Farm, LLC for a Large Wind Energy Conversion System in Freeborn County

Commissioner Wergin moved that the Commission:

1. Adopt the Findings of Fact, Conclusions of Law and Order proposed for the 44 MW Shell Rock wind Farm and associated facilities in Freeborn County; and
2. Issue the proposed LWECS Site Permit for the Shell Rock Wind Farm to Shell Rock Wind Farm, LLC.

The motion passed, 4-0.

IP-6853, IP-6866/CN-11-471

In the Matter of the Application of Black Oak Wind, LLC and Getty Wind Company, LLC for a Certificate of Need for an Up to 82 MW Large Energy Facility in Stearns County, Minnesota

Commissioner Reha moved that the Commission:

1. Accept the application as substantially complete as filed on October 11, 2011;
2. Direct the use of the informal review process;
3. Delegate scheduling authority to the Executive Secretary; and
4. Adopt the following additional items:
 - A. Provide the name, telephone number, and e-mail address of the Commission employee designated to facilitate citizen participation in the process;
 - B. Request that the Department of Commerce continue to study issues and indicate during the hearing process its position on the reasonableness of granting a certificate to the Applicant;
 - C. Require that the Applicant facilitate in every reasonable way the continued examination of the issues by the OES and Commission staff;
 - D. Request that the Applicant place a CD or hard copy of the Application for review in a Government Center and/or Public Library in the vicinity of the project;
 - E. Direct Commission staff to work with the Administrative Law Judge and the staff of the Department of Commerce in selecting suitable time(s) and location(s) for a public hearing on the application; and
 - F. Direct the Applicants to work with staff of the agencies to arrange for publication of the notice of the hearings in newspapers of general circulation at least ten (10) days prior to the hearings, that such notice be in the form of visible display ads, and proofs of publication of such ads be obtained from the newspapers selected.

The motion passed, 4-0.

ENERGY AGENDA

E-015/M-11-823

In the Matter of Minnesota Power's Petition for Approval of an Electric Service Agreement Between Magnetation, LLC and Minnesota Power

Commissioner Boyd moved that the Commission approve the petition for an electric service agreement between Minnesota Power and Magnetation, LLC.

The motion passed, 4-0.

E-002/M-11-820

In the Matter of the Petition of Northern States Power Company' Request for Approval of a Statement of Settlement With the Suburban Rate Authority and Revisions to its Street Lighting Tariff

Commissioner Wergin moved that the Commission approve the Settlement Agreement between the Suburban Rate Authority and Xcel Energy, and approve the proposed revisions to the Street Lighting Tariff, with the erroneous reference to 'See individual street lighting contracts for terms and conditions not covered herein' stricken.

The motion passed, 4-0.

E-001/M-11-1105

In the Matter of Interstate Power and Light Company's Informational Filing Regarding the Winnebago Franchise Fee

Commissioner Wergin moved that the Commission:

1. Allow Interstate Power and Light (IPL) to begin collecting the amount of the Winnebago franchise fee beginning January 1, 2012, but not before the City of Winnebago has adopted a new franchise ordinance that does not provide for IPL to recover administrative costs;
2. Prohibit IPL from charging the City of Winnebago any untariffed rates pursuant to Section 9.8 of its ordinance or any other operative document until and unless the rate is filed in a tariff approved by the Commission; and
3. Direct IPL to make a compliance filing as soon as practicable after the ordinance is revised.

The motion passed 4 – 0.

G-002/M-11-279

In the Matter of the Petition by Xcel Energy for Approval of its 2010 CIP Tracker Account, DSM Financial Incentive and Conservation Cost Recovery Adjustment

Commissioner Boyd moved that the Commission:

1. Approve the Company's proposed 2010 gas DSM financial incentive of \$2,264,511, and allow Xcel to record its proposed 2010 gas DSM financial incentive of \$2,264,511 in the Company's gas CIP tracker account no sooner than the issue date of the Commission's Order in this docket;
2. Approve Xcel's 2010 gas CIP tracker account, as provided in the Company's Petition and summarized above in Table 1 of the Department's initial Comments, including \$40,339 of employee-related CIP expenses;

3. Approve a CCRA of \$0.014636 per therm for Xcel beginning in the first billing cycle in the next full month after Commission approval, conditioned on the Company submitting, within 10 days of the issue date of the Order in the present docket, a compliance filing with tariff sheets and necessary calculations that comply with the Commission's determinations in this matter;
4. Deny Xcel's proposal in this docket to update its CCRA in a compliance filing using actual rather than forecasted CCRA and CCRC revenues and carrying charges. However, permit the Company in this docket to update its CCRA as part of the reply comment process as is the case for the CCRA in both Decision Alternatives #3 and #4 above;
5. Approve Xcel's proposed bill message with the modifications that the October 1, 2011 effective date and gas CCRA factor listed in the bill message be updated in the compliance filing to reflect the Commission's determinations of the effective date and rate;
6. Require Xcel to continue to account for, on a monthly basis, any CIP costs that are not recovered from flexible rate customers due to rate discounting, and to provide this information in the Company's annual CIP tracker account and DSM financial incentive filings;
7. Require Xcel to work with the Department to implement a new method for counting the energy savings from behavioral programs that will reflect the concerns raised by the Department in the instant docket. These changes should be applied to the calculation of Xcel's 2011 DSM financial incentive. Require the Department to timely report to the Commission the terms and conditions of any agreements reached with the Department;
8. Approve Xcel's request to withdraw at this time its proposal to amend tariff language (CIP Adjustment Rider) to allow for the participation of Large Energy Facilities in utility CIP programs. Require the Department to timely report to the Commission the terms and conditions of any agreements reached by the stakeholder group proposed;
9. Effective January 1, 2012, require Xcel gas to begin separately tracking both the costs and the recovery of costs, related to CIP expenditures, tracker balances, DSM incentives and any other expenses or assessments recovered through the CCRC or the CCRA, in periods prior to January 1, 2012 and periods beginning on and after January 1, 2012. Direct Xcel gas in its CIP tracker, DSM incentive, and CCRA filing in 2012, to report on the pre-and post-January 1, 2012 costs and recovery of costs separately, including supporting schedules and narrative describing the methodology used. This pre- and post information should also be tracked by customer for all pending and future CIP exemptions granted by the Commissioner of the DOC;
10. Find that issues of interpretation of what "effective on January 1" means with respect to the recovery of costs incurred or attributable to periods prior to January 1 for newly exempt CIP customers as contained in Minnesota Laws 2011, Chapter 97, Sections 8, 18, 19, 21 and 31, as well as other related issues, will be addressed *In the Matter of the Minnesota Public Utilities Commission's Implementation of Minnesota Laws 2011, Chapter 97, Sections 8, 18, 19, 21 and 31*, in The Docket No. E, G-999/CI-11-1149;

11. Require Xcel gas to continue to recover CIP-related expenses for periods prior to January 1, 2012 from newly-exempt CIP customers until such time that the Commission has made a determination on the interpretation of Minnesota Laws 2011, Chapter 97, Sections 8, 18, 19, 21 and 31, as discussed above. Any CIP-related expenses recovered from the newly-exempt customers could be subject to true-up and refund at some future time; and
12. Find that Xcel's Conservation Improvement Program Adjustment Rider tariff does not provide for exemption from conservation improvement program charges for Large Customer Facilities, as defined in 216B.241, subd. 1 (i) (2). Direct the Company to file, for Commission review and approval, revised tariffs governing the application of conservation improvement charges for Large Customers Facilities which may be exempted by the Commissioner of the DOC.

The motion passed, 4-0.

There being no further business, the meeting was adjourned.



COMMISSION: December 21, 2011

Burl W. Haar, Executive Secretary