

The Commission met on **Thursday, September 23, 2010**, with Commissioners O'Brien, Pugh, Reha and Wergin present.

The following matters were taken up by the Commission:

## **ENERGY AGENDA**

### **E-111/M-10-502**

#### **In the Matter of Dakota Electric Association's Request for a Variance to the Billing Error Rule**

Commissioner Wergin moved that the Commission:

1. Grant Dakota Electric Association's request to vary Minn. Rules, part 7820.3800 to issue a refund, starting from March 2006.
2. Require Dakota Electric Association to collaborate with the OES and the CAO to develop a letter to be sent to affected customers in connection with future billing error variance requests by the Company, informing them of the issue raised and how to contact the Commission to become involved in resolution of the issue.

The motion passed, 4 – 0.

### **E-999/CI-09-753**

#### **In the Matter of the Standard Contract for Purchase of Electricity from Facilities of 5 MW or Less Required by Minnesota Laws 2009, Chapter 110, Section 10**

Commissioner Pugh moved that the Commission:

1. Approve Minnesota Power's July 15, 2010 filing;
2. Approve that part of Basin Electric's filing which copied Xcel's existing 2 MW Standard Contract (substituting the name Basin Electric for Xcel and Northern States Power);
3. Approve the Standard Contracts of Missouri River Energy Services, East River Cooperative Power, L&O Power Cooperative, Southern Minnesota Municipal Power Agency, Xcel Energy, Great River Energy, Interstate Power and Light, and Dairyland Power Cooperative as having differences from the Xcel existing 2MW Standard Contract that are authorized by the statute.

The motion passed, 4 – 0.

**IP-6829/CN-09-1046**

**In the Matter of the Application of Lakefield Wind Project, LLC for a Certificate of Need for the 205.5 MW Lakefield Project in Jackson County**

Commissioner Wergin moved that the Commission find that the Environmental Report adequately addresses the issues identified by the Environmental Report Scoping Decision.

The motion was adopted, 4 – 0.

Commissioner Reha moved that the Commission grant Lakefield Wind Project, LLC a Certificate of Need for up to 205.5 MW for the Lakefield Wind Project and associated facilities.

The motion failed 2-2. Commissioners O'Brien and Pugh voted no.

Commissioner O'Brien moved that the Commission delay a decision on the Lakefield Wind Project Certificate of Need until the Legislature considers whether to amend Minn. Stat § 216B.243 to indicate whether, in assessing the need for a project, the Commission is to take into consideration decisions made by utilities commissions in other states.

After discussion, Commissioner O'Brien withdrew his motion.

Commissioner Reha moved that the Commission approve a Certificate of Need for the Lakefield Wind Project, LLC with the understanding that Commissioner Reha has committed to ask for reconsideration of the motion so that the matter can come back to a full Commission for reconsideration at the earliest opportunity.

Commissioner Reha withdrew the motion.

Commissioner O'Brien moved that the Commission delay a decision on the Lakefield Wind Project Certificate of Need until September 29, 2010.

The motion passed, 4 – 0.

**IP-6829/WS-09-1239**

**In the Matter of the Application of Lakefield Wind Project, LLC for a Large wind Energy Conversion System Site Permit for the 205.5 MW Lakefield Wind Project in Jackson County**

Commissioner O'Brien moved that the Commission postpone consideration of this matter until September 29, 2010.

The motion passed, 4 – 0.

**E-999/R-10-874**

**In the Matter of the Possible Rulemaking to Amend Minnesota Rules Chapter 7849 by Adding Additional Definitions, Application content Requirements, Public Notification and Decision Criteria Provisions**

Commissioner O'Brien moved that the Commission:

1. Deny the Petition to initiate rulemaking; and
2. Provide a written reply to the North American Water Office by October 4, 2010.

The motion passed, 3 – 1 (with Commissioner Pugh voting no).

**TELECOMMUNICATIONS AGENDA**

**P-421/AM-10-640**

**In the Matter of Qwest's Petition for Approval of Additions for 2010 to the Non-Impaired Wire Center List**

Commissioner O'Brien moved to do the following:

1. Approve the reclassification of the Rice wire center as requested by Qwest, and
2. Approve Qwest's request to withdraw its request for reclassification of the Cedar wire center.

The motion passed, 4 – 0.

**P-421/C-07-370**

**In the Matter of Qwest Corporation's Conversion of UNEs to Non-UNEs**

**P-421C-07-371**

**In the Matter of Qwest Corporation's Arrangements for Commingled Elements**

Commissioner Pugh moved to grant the petitions for reconsideration regarding clarification of the language affecting UNEs, non-UNEs, private line service, and special access service.

The motion passed 4 – 0.

Commissioner Pugh moved to do the following:

1. Modify the Commission's Order Resolving Interconnection Issues and Requiring Compliance Filing (May 24, 2010) to insert the term "251 UNE" where the Commission means to refer to an element subject to 47 U.S.C. § 251, and to insert the term "non-251 element" where the Commission means to refer to an element not subject to § 251.

2. Modify the order to clarify that private line service and special access service are offered by Qwest Corporation pursuant to both intrastate and interstate tariffs. Also, modify the order to clarify that private line enhanced extended links (EELs) and special access EELs may be interstate or intrastate in jurisdiction.

The motion passed 4 – 0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: OCTOBER 6, 2010**



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**Burl W. Haar, Executive Secretary**