

The Commission met on **Thursday, March 21, 2013**, with Chair Heydinger and Commissioners Boyd, Lange, O'Brien, and Wergin present.

The following matters came before the Commission:

## **TELECOMMUNICATIONS AGENDA**

### **P-6894/M-12-969**

#### **In the Matter of the Petition of Boomerang Wireless LLC (Boomerang) for Designation as an Eligible Telecommunications Carrier (ETC) in Minnesota**

Commissioner Wergin moved to do the following:

1. Find that Boomerang Wireless LLC (Boomerang) has met the requirement to demonstrate that it will provide voice telephony services.
2. Find that Boomerang has met the facilities ownership requirement by virtue of the Federal Communications Commission's waiver.
3. Find that Boomerang has met the service offering requirement.
4. Find that Boomerang meets the advertising plan requirement subject to the condition that within 30 days of the date of this order, Boomerang 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 Boomerang has met the requirement to demonstrate emergency functionality.
6. Find that Boomerang has met the requirement to make a commitment to consumer protection.
7. Find that Boomerang meets the requirement to file an informational tariff, subject to the following: within 30 days of the date of the Commission's order, Boomerang shall file a revised tariff or customer service reconciling inconsistencies between its tariff and its website; attaching a copy of the standards issued by CTIA – The Wireless Association, to which it will adhere; and clarifying terms of the Tariff per the recommendations in Attachment B to the March 8, 2013 filing of the Minnesota Department of Commerce (the Department).
8. Require Boomerang 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 Boomerang to submit a revised tariff or customer-service agreement page to reflect such changes.

9. Find that Boomerang has met the requirement to demonstrate its financial and technical capability.
10. Find that Boomerang's proposed rates for its Lifeline service are in the public interest and require that going forward, Boomerang must 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 Boomerang provides wireless Lifeline service to the extent that it receives at least as much government support as it does in Minnesota.
11. Find that Boomerang 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.
12. Require Boomerang 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 Boomerang to comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
14. Require Boomerang 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 Boomerang'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.

**P-421/AM-12-1236**

**In the Matter of a Petition by Dex Media East, Inc., (Dex) for a Variance of Minn. Rules 7810.2900 and 7812.0600 Requiring Distribution of Printed Residence White Pages to All Customers Served by CenturyLink in the State of Minnesota**

Commissioner Wergin moved to do the following:

1. Find that granting a variance is not warranted.
2. Open a rulemaking proceeding.

The motion passed 5 - 0.

## ENERGY AGENDA

### **IP-6688/CN-08-961**

#### **In the Matter of the Certificate of Need Application issued to EcoHarmony West Wind, LLC for a 280 Megawatt Large Wind Energy Facility in Fillmore County**

Chair Heydinger moved to do the following:

1. Grant a variance to Minn. R. 7849.0400, subp. 2H, to extend the period for Commission consideration of the change-of-circumstances petition for an unspecified but reasonable period of time.
2. Find that the change in project size is acceptable without recertification.
3. Find that the change in ownership is acceptable without recertification, subject to EcoHarmony West Wind, LLC's making a compliance filing setting forth the entities with an ownership interest in the project, including the parent entities, the organizational relationship, and the individuals responsible for financing and development of the project.

The motion passed 5 - 0.

### **IP-6688/WS-08-973**

#### **In the Matter of the Site Permit Application issued to EcoHarmony West Wind, LLC for a 280 Megawatt Large Wind Energy Facility in Fillmore County**

Chair Heydinger moved to take the following actions:

1. Grant the amendments requested by EcoHarmony West Wind, LLC.
2. Incorporate the permit language amendments of the Department's Energy Facilities Permitting (DOC EFP) staff.
3. Incorporate the permit language amendments of the Minnesota Department of Natural Resources (DNR).
4. Include a permit condition which requires the permittee to notify the Commission of --
  - a. The sale of a parent entity or a majority interest of the permittee,
  - b. The sale of a majority interest of the permittee's owners or a majority interest of the owners, or
  - c. A sale which changes the entity with ultimate control of the permittee.
5. Require that EcoHarmony West Wind, LLC file a compliance filing outlining the current and complete ownership structure of the wind facility and its owners.

6. Require that a final avian and bat protection plan be completed in consultation with the U.S. Fish and Wildlife Service (USFWS), DNR, and DOC EFP and submitted 30 days before the preconstruction meeting. The plan should include, but not be limited to,
  - a. Eagle fatality estimates using USFWS modeling protocols and any other models the applicant deems appropriate;
  - b. An estimate of the impact to eagles for the project as proposed; and
  - c. Specific mitigation measures for eagles, bats, and other species deemed appropriate.

The motion passed 5 - 0.

**E,G-001/AI-12-32**

**In the Matter of IPL’s Petition for Approval of a Common Facilities Capacity Agreement with its Affiliate, Franklin County Wind, LLC**

**E,G-001/AI-12-187**

**In the Matter of IPL’s Petition for Approval of a Land Lease Agreement with its Affiliate, Franklin County Wind, LLC**

**E,G-001/AI-12-192**

**In the Matter of IPL’s Petition for Approval of a Local Balancing Authority Agreement with its Affiliate, Franklin County Wind, LLC**

**E,G-001/M-12-792**

**In the Matter of Interstate Power and Light Company’s Transfer of Land Easements, Wind Rights, and Rights to Purchase Wind Turbines, to its affiliate, Franklin County Wind, LLC**

**E,G-001/M-12-1157**

**In the Matter of Interstate Power & Light Company – Electric & Gas Petition for Approval of an Affiliated Interest Agreement Between Interstate Power & Light Company and Franklin County Wind, LLC**

Commissioner Boyd moved to do the following:

1. Regarding approval requirement under Minn. Stat. §216B.48 for the Wind Development Assets Purchase and Sale Agreement (the Agreement) entered into between Franklin County Wind, LLC, and Interstate Power and Light (IPL) --
  - A. Determine that IPL is required to seek approval of the Agreement.
  - B. Require IPL to make a complete affiliate interest filing under Minn. Stat. § 216B.48 and § 216B.50 for the Agreement, in accordance with Minn. R. 7825.2200 and the Commission’s Order Initiating Repeal of Rule, Granting Generic Variance, and Clarifying Internal Operating Procedures

(September 14, 1998) in Docket No. E,G-999/CI-98-651, *In the Matter of a Commission Investigation into Procedures for Reviewing Public Utility Affiliated Interest Contracts and Arrangements.*

2. Regarding approval requirement for the agreement under Minn. Stat. §216B.50 --
  - A. Determine that approval of the Agreement is required under Minn. Stat. §216B.50 and direct IPL to make an appropriate filing including the information required by Minnesota statute and rules.
  - B. Take no further action.

The motion passed 5 – 0.

Commissioner Boyd moved, regarding financial penalty, to take no action.

The motion passed 5 – 0.

**E,G-001/AI-12-912**

**In the Matter of IPL's Petition for Approval of an Affiliated Interest Agreement with Cedar Rapids and Iowa City Railway Company**

Commissioner O'Brien moved to approve the petition provided that, in any future rate case where Interstate Power and Light (IPL) seeks to include the Deer Run substation in its Minnesota revenue requirement, the Minnesota portion of the \$70,333 credit for the Iowa Land and Building Company property sale, identified on page 11 of the staff's Briefing Papers for March 21, 2013, shall be removed.

The motion passed 5 – 0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: May 22, 2013**



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**Burl W. Haar, Executive Secretary**