

The Commission met on **Tuesday, August 17, 2010**, with Chair Boyd and Commissioners O'Brien, Pugh, Reha and Wergin present.

The following matters were taken up by the Commission:

ENERGY AGENDA

E-002/CN-10-694

In the Matter of an Application by Northern States Power Company for a Certificate of Need for Two 115 kV High Voltage Transmission Lines in the Midtown Area of South Minneapolis, Hennepin County – Notice Plan

Commissioner Wergin moved to approve the Notice Plan proposed by Northern States Power Company, including the variance to the notice timeframes set out in Minn. Rules, part 7829.2550, subp. 6, for the implementation of the plan.

The motion passed 5 – 0.

G-002/M-08-440

In the Matter of Xcel Energy's Petition for a Determination of Entitlement to Renewable Attributes of Energy Purchases Pursuant to Renewable Energy Requirements

Commissioner O'Brien moved to do the following:

1. Find that the Commission does have jurisdiction to determine who owns the renewable energy credits (RECs) in the 46 power purchase agreements (PPAs) in this docket.
2. Find that for the unsettled PPAs entered into under the wind or biomass statutes (Minn. Stat. §§ 216B.2423 and 216B.2424) (excluding Lake Benton Power Partners, LLC, and Fibrominn, LLC), and excluding PPA settlements filed with the Commission and awaiting decision (Project Resources Wind/Viking Group – Docket No. E-002/M-10-825 and Pine Bend -- Docket No. E-002/M-10-822), Northern States Power Company d/b/a Xcel Energy (Xcel) owns the RECs unless a generator can demonstrate that the PPA at issue is not silent as to REC ownership.
3. Authorize Xcel to continue negotiations regarding PPAs with Lake Benton Power Partners, LLC, and Fibrominn, LLC, and to file settlements, if any, with the Commission within 90 days of the final order in this case.
4. Refrain from making a decision on ratepayer impact and cost recovery at this time.
5. Direct Xcel to file the following within 90 days of an Order in this Docket:
 - A. A list of the PPAs still in dispute, including whether any disputes were in arbitration proceedings, in court proceedings, or returning to the commission for further evaluation;

- B. A list of the disposition of RECs in PPAs that have been resolved; and
 - C. A numerical analysis of the ratepayer impact from PPAs resolved pursuant to this through this docket.
6. Direct Xcel to file quarterly updates regarding the progress of those PPAs still in dispute.
 7. Direct Xcel to serve a copy of the Commission Order on all parties to the 46 PPAs at issue in this docket.

The motion passed 5 – 0.

Commissioner O'Brien moved that to find that where Xcel and a generator entered into a PPA under the federal Public Utility Regulatory Policy Act of 1978, as referenced in Minn. Stat. § 216B.164, the generator owns the RECs.

The motion passed 4 – 1; Commissioner Wergin voted no.

TELECOMMUNICATIONS AGENDA

P-5681, 421/M-08-1443

In the Matter of the Application of Qwest Corporation for Expedited Approval to Discontinue Physical Connection with Digital Telecommunications Inc.

P-5681, 421/C-09-302

In the Matter of Digital Telecommunications Complaint Against Qwest Corporation

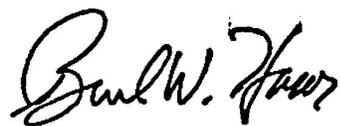
Commissioner Wergin moved to do the following:

1. Direct Qwest Corporation to file comments within seven days on the extent of the Commission's authority over these dockets given the application of Digital Telecommunications Inc. for protection in bankruptcy.
2. Invite parties to comment on Qwest's filing within seven days of that filing.

The motion passed 5 – 0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: SEPTEMBER 15, 2010



Burl W. Haar, Executive Secretary