

The Commission met on **Thursday, December 6, 2012**, with Chair Heydinger and Commissioners Boyd, O'Brien, Reha, and Wergin present.

The following matters were taken up by the Commission:

TELECOMMUNICATIONS AGENDA

P-6867/M-11-473

In the Matter of the Petition of i-wireless, LLC for Designation as an Eligible Telecommunications Carrier in Minnesota

Commissioner Wergin moved to take the following actions:

1. Find that i-wireless has met the requirement to demonstrate that it will provide voice telephony services.
2. Find that i-wireless has met the facilities ownership requirement.
3. Find that i-wireless has met the service offering requirement.
4. Find that i-wireless meets the advertising plan requirement subject to the condition that within 30 days of the date of this Order, i-wireless file a formal advertising and outreach plan identifying the types of media through which it intends to advertise the availability of Lifeline service and the anticipated frequency of such advertising.
5. Find that i-wireless has met the requirement to demonstrate emergency functionality.
6. Find that i-wireless has met the requirement to make a commitment to consumer protection.
7. Find that i-wireless meets the requirement to file an informational tariff, subject to the following: within 30 days of the date of this Order, i-wireless shall file an information tariff or customer service agreement containing all rates, terms, conditions, service quality commitments, and other provisions that apply to its Lifeline service. The tariff or customer service agreement shall include a detailed description of its service offering, any additional services that may be added to it, and the areas in Minnesota where it is offered. i-wireless shall attach a copy of the CTIA standards, to which it will adhere and a copy of the Minnesota Rules, by which it has agreed to be bound, to its tariff for the purpose of public disclosure. Additionally, i-wireless shall 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. i-wireless shall file a revised tariff or customer agreement page to reflect such changes.
8. Find that i-wireless has met the requirement to demonstrate its financial and technical capability.

9. Find that i-wireless's proposed rates for its Lifeline service are in the public interest and require that i-wireless be required to offer to Minnesota customers the highest number of free minutes of usage it offers in any jurisdiction where it receives only federal Lifeline reimbursement, and be required to offer supplementary minutes priced at the lowest level it offers in any jurisdiction where it provides Lifeline service.
10. Find that i-wireless has met the public safety answering point certification requirement.
11. Find that the Commission need not set a date certain for review of i-wireless's ETC designation.
12. Require i-wireless 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 i-wireless to comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
14. Require i-wireless 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 i-wireless'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.

ENERGY AGENDA

ET-6675/CN-12-1053

In the Matter of the Application of ITC Midwest LLC for a Certificate of Need for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties

Commissioner Wergin moved to take the following actions:

1. Approve the proposed notice plan as modified by the Department in its comments and by Commission staff in its briefing papers.
2. Adopt the proposed notice pan as proposed by ITCM in its reply comments, specifically the changes to the proposed notice language.
3. Approve the variance to Minn. R. 7829.2550, subp. 6, on the timing of the implementation of the notice plan.

4. Approve the variance to Minn. R. 7829.2550, subp. 5, that requires an applicant to publish a newspaper notice upon filing a certificate of need application.

The motion passed 5-0.

PL-9/CN-12-590

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 67 Station Upgrade Project in Marshall, Clearwater, and Itasca Counties

Commissioner Boyd moved to take the following actions:

1. Accept the application as substantially complete as filed on October 8, 2012 and as subsequently supplemented.
2. Designate Michael Kaluzniak as the Commission employee designated to facilitate citizen participation in the process.
3. Request that the Department continue to study issues and provide, during the hearing process, its position on the reasonableness of granting a certificate of need to the Applicant.
4. Require Enbridge to facilitate, in every reasonable way, the continued examination of the issues raised by the Department and Commission staff.
5. Direct Commission staff to work with the Administrative Law Judge and Department staff in selecting suitable locations for a public hearing on the application.
6. Direct Enbridge to work with Commission staff and the Department to arrange for publication of the notice of the hearings in newspapers of general circulation at least ten days prior to the hearings, and require that such notice be in the form of visible display ads and that proof of publication of such ads be obtained from the newspapers.

The motion passed 5-0.

IP-6853, 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

Commissioner Reha moved to take the following actions:

1. Find that the Environmental Report adequately addresses the issues identified in the Environmental Report Scoping Decision.

2. Grant Black Oak and Getty Wind a certificate of need for up to 82 MW for the Black Oak Wind and Getty Wind Project and associated facilities.

The motion passed 5-0.

IP-6853/WS-10-1240

In the Matter of the Site Permit Application for a 42-Megawatt Large Wind Energy Conversion System in Stearns County

Chair Heydinger moved to take the actions set forth below:

1. Make the following modifications to the proposed findings of fact, conclusions of law, and order and to the proposed site permit:
 - a. **Wind Access Buffer Setback** – Adopt the EFP Staff’s proposed modifications.
 - b. **Application of County Standards** – Adopt the recommendations of Commission staff to modify Finding No. 50 and Permit Section 13.1 as set forth below:

~~**Finding No. 50.** No comments were received opposing the more stringent setbacks or identifying any good cause not to apply them. On November 28, 2012 Stearns County provided a letter to the record that requested the Commission find good cause not to apply the Property Line setback or the Project Boundary setback. All special conditions identified in the Draft Site Permit are carried forward and take precedence.~~

SECTION 13.1 - APPLICATION OF COUNTY STANDARD

The Permittee shall site all wind turbines and associated facilities consistent with the wind energy ordinances adopted by Stearns County unless the ordinances are waived by Stearns County. Stearns County has adopted more stringent standards than those identified in Section 4 of this permit for the following features:

- (a) ~~Property Lines: Turbines shall have a setback of 1.1 times the total height, (as measured from the tip of the blade when the blade is extended perpendicular to the tower) from property lines. A recorded fall zone easement acceptable to Stearns County may be allowed in lieu of this setback, provided all other setbacks are met;~~
- (b) Occupied Structure – Participating Property Owner: Turbines shall be set back at least 500 feet and sufficient distance to meet the state noise standard, from occupied structures of participating property owners;
- (c) Occupied Structure – Non-Participating Property Owner: Turbines shall be set back at least 1,000 feet and sufficient distance to meet the state noise standard from occupied structures of non-participating property owners;
- (d) ~~Project Boundary: Turbines shall be set back a distance of 5 rotor diameters from all parcels of land for which the Permittee has a wind easement for this Project, unless the Stearns County Board finds that the wake interference is less than 5 rotor diameters;~~
- (e) Shadow Flicker Modeling: Permittee shall incorporate assumptions identified in Stearns County Ordinance when modeling for shadow flicker; and (f) Shoreland Overlay District: Turbines shall not be placed within areas designated by Stearns County as a “Shoreland Overlay District.”

- c. **Local Permitting Requirements** – Strike the final sentence of Permit Section 7.8.2 and substitute the following language:

The access or intersection points with the public roadways shall be located in accordance with all necessary township, county or state road requirements and permits. The access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

- d. **Avian and Bat Impacts and Mitigation** – Adopt the EFP Staff’s proposed modifications.
- e. **Trade Secret Designation** – Amend the last sentence in Permit Sections 6.8 and 6.9 as set forth below:

This information ~~will be considered public and~~ must be submitted electronically.

- f. **Shadow Flicker Standards** – Delete the material in proposed Finding 60 that begins “In December 2021” and ends “per year.” Amend the final sentence to read, “Other states and other countries have established guidelines for acceptable levels of shadow flicker based on certain assumptions.”

- g. **Wake Loss Studies** – Adopt EFP Staff’s proposed modifications.

- h. **Archaeological Sites** – Take no action.

- i. **Overhead Feeder Lines** – No action needed.

- j. **Site-Specific Bat Study** – Take no action.

- k. **Clarifications** – Adopt the EFP Staff’s proposed modifications.

- l. **Complaint Handling Procedures** – Adopt the revised procedures attached to the EFP Staff’s November 13, 2012 comments.

- 2. Approve the EFP proposed Findings of Fact, Conclusions of Law, and Order – *as modified* - thereby:

- a. Designating a site for the up to 42 MW Black Oak Wind Farm in Stearns County, and,
- b. Issuing a site permit, with appropriate conditions, to Black Oak Wind, LLC, for the up to 42 MW Black Oak Wind Farm.

The motion passed 5-0.

IP-6866/WS-11-831

In the Matter of the Site Permit Application for a 40-Megawatt Large Wind Energy Conversion System in Stearns County

Commissioner Wergin moved to take the actions set forth below:

1. Make the following modifications to the proposed findings of fact, conclusions of law, and order and to the proposed site permit:
 - a. **Wind Access Buffer Setback** – Adopt the EFP Staff’s proposed modifications.
 - b. **Application of County Standards** – Adopt the recommendations of Commission staff to modify Finding No. 49 and Permit Section 13.1 as set forth below:

~~**Finding No. 49.** No comments were received opposing the more stringent setbacks or identifying any good cause not to apply them. On November 28, 2012 Stearns County provided a letter to the record that requested the Commission find good cause not to apply the Property Line setback or the Project Boundary setback. All special conditions identified in the Draft Site Permit are carried forward and take precedence.~~

SECTION 13.1 - APPLICATION OF COUNTY STANDARD

The Permittee shall site all wind turbines and associated facilities consistent with the wind energy ordinances adopted by Stearns County unless the ordinances are waived by Stearns County. Stearns County has adopted more stringent standards than those identified in Section 4 of this permit for the following features:

- (a) ~~Property Lines: Turbines shall have a setback of 1.1 times the total height, (as measured from the tip of the blade when the blade is extended perpendicular to the tower) from property lines. A recorded fall zone easement acceptable to Stearns County may be allowed in lieu of this setback, provided all other setbacks are met;~~
- (b) Occupied Structure – Participating Property Owner: Turbines shall be set back at least 500 feet and sufficient distance to meet the state noise standard, from occupied structures of participating property owners;
- (c) Occupied Structure – Non-Participating Property Owner: Turbines shall be set back at least 1,000 feet and sufficient distance to meet the state noise standard from occupied structures of non-participating property owners;
- (d) ~~Project Boundary: Turbines shall be set back a distance of 5 rotor diameters from all parcels of land for which the Permittee has a wind easement for this Project, unless the Stearns County Board finds that the wake interference is less than 5 rotor diameters;~~
- (e) Shadow Flicker Modeling: Permittee shall incorporate assumptions identified in Stearns County Ordinance when modeling for shadow flicker; and (f) Shoreland Overlay District: Turbines shall not be placed within areas designated by Stearns County as a “Shoreland Overlay District.”

- c. **Local Permitting Requirements** – Strike the final sentence of Permit Section 7.8.2 and substitute the following language:

The access or intersection points with the public roadways shall be located in accordance with all necessary township, county or state road requirements and permits. The access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

- d. Avian and Bat Impacts and Mitigation** – Adopt the EFP Staff’s proposed modifications.
- e. Trade Secret Designation** – Amend the last sentence in Permit Sections 6.8 and 6.9 as set forth below:

This information ~~will be considered public and~~ must be submitted electronically.

- f. Shadow Flicker Standards** – Delete the material in proposed Finding 60 that begins “In December 2021” and ends “per year.” Amend the final sentence to read, “Other states and other countries have established guidelines for acceptable levels of shadow flicker based on certain assumptions.”
- g. Wake Loss Studies** – Adopt EFP Staff’s proposed modifications.
- h. Archaeological Sites** – Take no action.
- i. Overhead Feeder Lines** – No action needed.
- j. Site-Specific Bat Study** – Take no action.
- k. Clarifications** – Adopt the EFP Staff’s proposed modifications.
- l. Complaint Handling Procedures** – Adopt the revised procedures attached to the EFP Staff’s November 13, 2012 comments.

2. Approve the EFP proposed Findings of Fact, Conclusions of Law, and Order – *as modified* - thereby:

- a.** Designating a site for the up to 40 MW Getty Wind Farm in Stearns County, and,
- b.** Issuing a site permit, with appropriate conditions, to Getty Wind, LLC, for the up to 40 MW Black Oak Wind Farm.

The motion passed 5-0.

G-008/M-12-955

G-008/M-97-807

In the Matter of the Request by CenterPoint Energy Resources Corporation for Approval of Revisions to its New Area Surcharge Rider

Commissioner Boyd moved to approve the proposed modifications to the NAS tariff sheet effective October 1, 2012.

The motion passed 5-0.

E-017/M-12-211

In the Matter of Otter Tail Power Company's 2011 Demand Side Management Financial Incentive Project and Annual Filing to Update the CIP Rider

Commissioner Wergin moved to take the following actions:

1. Approve Otter Tail's CIP tracker account, as summarized in Table 1 of the comments of the Department of Commerce.
2. Approve a 2012/2013 CCRA for OTP of \$0.00142/kWh.
3. Approve an incentive of \$2,608,094 for Otter Tail's 2011 CIP achievements.
4. Grant Otter Tail a variance to Minnesota Rules part 7820.3500 (K) and a variance to Minnesota Rules part 7825.2600 for one year from the issue date of the Order in this docket.

The motion passed 5-0.

E-002/M-12-315

In the Matter of the Petition of Northern States Power Company for Approval of an Electric Conservation Improvement Program Adjustment

Commissioner Reha moved to take the following actions:

1. Approve the 2011 Xcel Electric CIP Tracker Account activity shown in Table 1 of The Department comments.
2. Approve a DSM financial incentive of \$51,350,104 for Xcel's 2011 electric CIP achievements.
3. Approve a CIP Adjustment Factor for 2012/2013 of \$0.00186 per kWh.

The motion passed 5-0.

G-004/M-12-303

In the Matter of a Petition by Great Plains Natural Gas Company for Approval of a Revised Gas Service Extension Policy

Commissioner Wergin moved to take the following actions:

1. Approve Great Plains' revised Natural Gas Extension Policy.
2. Require Great Plains to include in its tariff descriptions the connection charges referenced in the Application for Service Line/Additional Meter and the Interruptible Gas Service Extension Agreement.
3. Approve Great Plains revised proposed tariff sheets included in Exhibit A of its Reply Comments, with the above-mentioned modification.

The motion passed 5-0.

E-015/GR-08-415

E-015/GR-09-1151

In the Matter of Minnesota Power's Compliance Filing Regarding the Removal of Deferred MISO Schedule 16 and 17 Cost Amortization

Commissioner Boyd moved to approve Minnesota Power's compliance filing regarding the removal of the deferred MISO Schedule 16 and 17 cost amortization.

The motion passed 5-0.

E-015/M-12-1025

In the Matter of Minnesota Power's Petition for Approval of an Amendment to an Electric Service Agreement with NewPage Wisconsin System, Inc.

Commissioner Boyd moved to take the following actions:

1. Approve the proposed contract amendment.
2. Make no specific findings regarding the benefits of this agreement to other customers.

The motion passed 5-0.

E,G-002/M-12-383
E,G-002/CI-02-2034

In the Matter of the Petition of Northern States Power Company d/b/a Xcel Energy for Approval of Amendments to Its Natural Gas and Electric Service Quality Tariffs Originally Established in Docket No. RG-02-2034

In the Matter of an Investigation and Audit of Northern States Power Company's Service Quality Reporting.

Chair Heydinger moved to take the following actions:

1. Direct the parties to continue their negotiations and report back to the Commission in 90 days. If the parties reach an agreement, they shall submit the tariff for approval. If an agreement is not reached, the parties shall identify the points of disagreement.
2. Solicit comments from the parties seeking further information on electric outages within Xcel's service territory.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: January 30, 2013



Burl W. Haar, Executive Secretary