

The Commission met on **Wednesday, September 8, 2010**, with Commissioners Boyd, O'Brien, Pugh, Reha and Wergin present.

The following matters were taken up by the Commission:

ENERGY AGENDA

IP6846/WS-10-798

In the Matter of the Site Permit Application for a 41 Megawatt (MW) Large Wind Energy Conversion System (LWECS) in Kandiyohi and Meeker Counties, Minnesota

Commissioner Reha moved that the Commission find the application complete upon the submission of supplementary information, authorize the Office of Energy Security Facility Permitting staff to name a public advisor for this project, and find, based on the information in the record to date, that a certificate of need is not required.

The motion passed, 5-0.

E-015,321/SA-10-797

In the Matter of a Petition for Approval of a Service Territory Agreement between Virginia Department of Public Utilities and Minnesota Power

Commissioner Wergin moved that the Commission adopt the OES recommendation to approve the petition.

The motion passed, 5-0.

In the Matter of the Gas Affordability Program Under Minn. Stat. § 216B.16, subd. 15.

G-008/GR05-1380

G-002/GR-06-1429

G-007,011/M-07-1131

G-004/M-07-1235

G-001/M-7-1295

G-002/CI-08-1175

Commissioner O'Brien moved that the Commission:

1. Accept all the 2009 GAP annual reports, except Great Plains' report.
2. Defer a decision on Great Plains' annual report and require Great Plains to provide the following within 30 days of the Commission' Order in this docket:
 - a. a revised annual report containing the data provided in other utilities' GAP annual reports, including the data provided by Great Plains to Commission staff through Information Requests and emails, and

- b. comments explaining why Great Plains has not contracted with a community agency or other vendor in its service area to serve as a third-party administrator of its GAP.
3. Request that the Utility Stakeholder Group look into the differences in credits among utilities and report to the Commission next year after annual reports have been filed.
4. Do not specify at this time how the Commission will evaluate GAPs.
5. Direct the Utility Stakeholder Group to comment on whether other program design options should be implemented, after annual reports have been filed in 2011.
6. Change the due date of Xcel's annual GAP report to March 31 of each year.
7. Direct utilities to continue reporting any complaints about GAP, including type and number.
8. Direct utilities to continue including information about partial and late payments in reporting about customer payment frequency
9. Defer to the evaluation of CenterPoint's pilot program, occurring later in 2010, the issue of CenterPoint's modification of its GAP to exclude in its count of customers enrolled in the program those customers who are eligible for GAP but receive no affordability or arrearage credit.

The motion passed, 5-0.

G-004/M-10-322

In the Matter of a Petition by Great Plains Natural Gas Co. for Approval to Reduce the Household Income Threshold Under Its Gas Affordability Program.

Commissioner O'Brien moved that the Commission:

1. Approve Great Plains' petition to increase its GAP affordability credit from 6% to 4% of household income, conditioned upon Great Plains filing an outreach program for Commission approval within 60 days of the date of the Commission's Order in this case; and
2. Direct Great Plains to review its GAP application process and materials. Further direct Great Plains to work with the Commission's Consumer Affairs Office to identify whether improvements can be made to these materials. Within 60 days after concluding its work with the Consumer Affairs Office (CAO), Great Plains shall make a compliance filing in this case explaining whether it has implemented all of the changes recommended by CAO.

The motion passed, 4-1, with Commissioner Wergin voting no.

E-002/M-04-1956

In the Matter of a Petition by Northern States Power Company d/b/a Xcel Energy for Approval of a Modification to the Company's Low-Income Discount Program

Commissioner Wergin moved that the Commission:

1. Require Xcel to report data for its electric low income program (both the discount program and the Power On program) similar to that required for the GAP program, as follows:
 - A. Customer Payment Frequency: A comparison of the payment frequency for customers in both Xcel electric's low income programs to the payment frequency before these customers were enrolled in the programs, plus a comparison of the payment frequency for program participants to the payment frequency for LIHEAP grant recipients.
 - B. Disconnection: The percentage of low income program customers disconnected compared to the percentage of all residential customers disconnected; in addition, a comparison of the percentage of low income program customers disconnected to the percentage of disconnected LIHEAP customers who do not participate in Xcel's electric low income program.
 - C. Payment Amount: The average annual and monthly bill credit provided to customers in the discount program and in the Power On program.
 - D. Customer payment history: The number of low income program participants that paid their bills each month in full before (the year prior) and during their participation in the low income program; in addition, information about the number of customers that made partial or no payments.
 - E. Arrearage level: The change in the arrearage level for the average low income program customer compared to the LIHEAP customers that are not enrolled in the program and the average level of arrearage for all of Xcel's electric residential customers.
 - F. Coordination with other available low income bill payment assistance and conservation resources: summarize how Xcel has coordinated its low income program with other available low income and conservation resources, provide highlights of the agencies it has coordinated with, indicating general frequency of agency interactions during the year, the general nature of the communications, and the goal of the coordination effort.
2. Require Xcel to work with its program administration provider to provide additional reporting requirements for its affordability program (Power On) participants, as follows:
 - A. average participant income
 - B. average participant income compared to Federal poverty level

- C. number and percent of participants in various income brackets compared to Federal poverty level
 - D. average participant electric usage
 - E. average participant income and electric usage compared to customers receiving LIHEAP
 - F. average participant electric usage compared to overall residential customer average
3. Require Xcel to provide the following reporting requirement in its annual report, when applicable: if the number of qualifying customers certified by the OES for Xcel's low income discount program is different from the number that Xcel enrolls in the program, the Company should note the difference and provide a narrative explaining why.
 4. Require Xcel to continue annual reporting of the data requirements in the Commission's *Order Approving Program Changes*, in Docket No. E-002/M-04-1956, issued April 26, 2005, Ordering Paragraph 3.
 5. Require Xcel to continue to file its annual report each December 1, in Docket No. E-002/M-04-1956. The report will cover the program year October 1 to September 30

The motion passed, 5-0.

TELECOMMUNICATIONS AGENDA

P-5681,421/C-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 Inc.'s Complaint Against Qwest Corporation

Commissioner Wergin moved to take the actions set forth below:

1. Pursuant to non-compliance with the Commission's June 11, 2010 order, grant Qwest's motion to draw on the letter of credit.
2. Determine that DTI is obligated to pay Qwest the amount of \$600,000.
3. Delegate authority to the Executive Secretary or his designee to execute all documents and take all actions necessary to facilitate the draw.
4. Clarify that the \$600,000 draw is subject to refund or return pursuant to law should any final, binding order ultimately resolving the disputes between Qwest and DTI determine that Qwest is not entitled to the full \$600,000 or is not entitled to some portion of the \$600,000.

5. Clarify that the draw is authorized under the terms and to effectuate the purposes of the Commission's June 11, 2009 order and does not make any determination that any specific amount of money is ultimately due and owing between Qwest and DTI in the complaint cases still before the Office of Administrative Hearings and the Commission.

The motion passed, 5-0.

P-421/CI-05-1996

In the Matter of a Potential Proceeding to Investigate the Wholesale Rates Charged by Qwest Under 47 U.S.C. § 271

Commissioner Wergin moved to grant the request of Qwest Corporation to stay the Order Requiring Price List and Supporting Rationale (April 23, 2010) pending a decision from the federal district court.

Commissioner Reha proposed amending the motion to stay the April 23, 2010 Order pending resolution of the issue at federal district court.

Commissioner Wergin accepted this amendment.

Commissioner O'Brien proposed amending the motion to stay the April 23, 2010 Order pending final determination by the federal district court or dismissal of the action.

Commissioner Pugh proposed amending the motion to stay the April 23, 2010 Order pending resolution of the issue at federal district court or further order of this Commission.

Commissioner Wergin accepted this amendment, resulting in a motion to grant Qwest's request to stay the April 23, 2010 Order pending resolution of the issue at federal district court or further order of this Commission.

The motion passed, 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: OCTOBER 20, 2010



Burl W. Haar, Executive Secretary