

The Commission met on **Thursday, April 15, 2010 (Revised)**, with Chair Boyd and Commissioners O'Brien, Pugh, Reha and Wergin present.

The following matters were taken up by the Commission:

TELECOMMUNICATIONS AGENDA

P-430/AM-09-1006

In the Matter of a Request by Embarq Minnesota, Inc. d/b/a CenturyLink for Extension of Time to File Tariffs

P-551/M-09-1007

In the Matter of a Request by CenturyTel of Minnesota, Inc. d/b/a CenturyLink for Extension of Time to File Tariffs

P-562/M-09-1008

In the Matter of a Request by CenturyTel of Northwest Wisconsin, LLC d/b/a CenturyLink for Extension of Time to File Tariffs

P-509/M-09-1009

In the Matter of a Request by CenturyTel of Chester, Inc. d/b/a CenturyLink for Extension of Time to File Tariffs

P-6441/M-09-1012

In the Matter of a Request by CenturyTel Acquisition LLC d/b/a KMC Telecom III LLC d/b/a CenturyLink Acquisition for Extension of Time to File Tariffs

P-5971/M-09-1013

In the Matter of a Request by CenturyTel Solutions, LLC d/b/a CenturyLink Solutions for Extension of Time to File Tariffs

Commissioner Reha moved that the Commission granted the time extensions to file tariffs requested by the companies.

The motion was adopted, 5-0.

P-421/C-07-370

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

P-421/C-07-371

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

Commissioner O'Brien moved that the Commission

1. adopt the recommendation of December 9, 2008 Recommended Order on Motion for Summary Disposition issued by the Administrative Law Judge (ALJ) and reaffirm that the Commission has jurisdiction over the subject matter of these dockets;

2. find that Qwest Corporation (Qwest) has an obligation to negotiate terms and conditions regarding both the conversion of an unbundled network element governed by 47 U.S.C. § 251 (UNE) to an element not governed by § 251 (non-UNE), and the provision of elements that involve the combination of UNEs with non-UNEs (commingling);
3. adopt the recommendation of the Minnesota Department of Commerce (the Department) permitting Qwest to change an element's circuit identification number (circuit ID) during a conversion, and requiring Qwest to provide competitive local exchange carriers (CLECs) with information relating the new and old circuit IDs in a user-friendly format;
4. clarify that where parties discuss a commingled enhanced extended loop (EEL) in these dockets – that is, a UNE circuit connecting a retail customer's premises to Qwest's wire center, combined with a non-UNE circuit connecting this wire center to the wire center containing the CLEC's switch – they refer to an EEL in which the transmission capacity of each circuit is equal (point-to-point commingled EELs) ;
5. adopt the recommendation in the ALJ's February 1, 2010 Findings of Fact, Conclusions, and Recommendation (ALJ's Report) to require Qwest to accept a single order form for commingled EELs;
6. adopt the ALJ's recommendation that the installation interval for a commingled EEL should be no longer than that required for a special access EEL (nine days);
7. adopt the ALJ's recommendation requiring Qwest to process a CLEC's request to repair a commingled EEL when the request arrives in the form of a single repair ticket that cross-references the circuit IDs for both components of the EEL; and
8. adopt the ALJ's recommendation and require that the repair interval for a commingled EEL be no longer than the repair interval for special access EELs (four hours).

The Commission tabled this matter pending resolution of its Energy Agenda.

ENERGY AGENDA

G-011/M-10-60

In the Matter of Minnesota Energy Resources Corporation's Petition for Approval of a Modification to the LVI-4 Large Volume Interruptible Tariff to Include an Option to Obtain Joint Gas Service

Commissioner Pugh moved that the Commission's approve Minnesota Energy Resources Corporation's proposed revisions to its LVI-4 rate schedule.

The motion was adopted, 5-0.

E,G-002/M-07-3 and E,G-002/M-07-4

In the Matter of Xcel Energy's Request for Approval of Power Purchase Agreements with Herman Wind, LLC and West Stevens, LLC

Commissioner Reha moved that the Commission close the two dockets.

The motion was adopted, 5-0.

E-001/M-09-1457

In the Matter of Interstate Power and Light Company's Petition for Approval of Updated Electric Energy Supply Cost Adjustment Rider

Commissioner Wergin moved that the Commission

1. approve the Company's revised Energy Supply Cost Adjustment Rider, with modifications to provisions 3,4, and 5 as follows:

Provision 3. The net energy cost of purchases from a qualifying facility, as that term is defined in 18 C.F.R. Part 292 and Minnesota Rule 7835.0100, Subp. 19, as amended, whether or not those purchases occur on an economic dispatch basis, and all fuel and purchased energy expenses incurred by the Company over the duration of any Minnesota Public Utilities Commission (Commission) approved contract, as provided for by Minnesota Statutes, Section 216B.1645, to satisfy the renewable energy obligations set forth in Minnesota Statutes, Section 216B.1691,

Provision 4. All Midwest Independent Transmission System Operator, Inc. (MISO) costs and revenues authorized to flow through the Energy Supply Cost Adjustment charge by the Commission, subject to the applicable terms of the Commission orders, and excluding MISO costs and revenues that are recoverable in base rates, less,

Provision 5. The energy-related revenue recovered through inter-system sales.

2. direct IPL to file revised tariff pages reflecting this decision within 10 days of the Order.

The motion was adopted, 5-0.

IP-6828/CN-09-937

In the Matter of Pleasant Valley Wind, LLC Application for a Certificate of Need and a Large Wind Energy Conversion System Site Permit

Commissioner O'Brien moved that the Commission deny the request for a contested case proceeding on the certificate of need application.

The motion was adopted, 5-0.

IP-6828/WS-09-1197

In the Matter of the Application of Pleasant Valley Wind, LLC for a Large Wind Energy Conversion System Site Permit for the 300 MW Pleasant Valley Wind Project in Dodge and Mower Counties

Commissioner Wergin moved that the Commission

1. make a preliminary determination that a draft site permit may be issued;
2. approve the proposed draft site permit for the Pleasant Valley Wind Project for distribution and public comment; authorize OS-EFP staff to implement the public participation process found in Minn. Rules, Part 7854.0900; and
3. deny the request for a contested case hearing, but expand the scope of the public hearing that will be held on the Certificate of Need proceeding to include siting matters related to the Draft Site Permit to the extent feasible.

The motion was adopted, 5-0.

E-002/M-09-1349 and E-002/M-09-1350

In the Matter of Northern States Power Company d/b/a Xcel Energy's Request for Approval of Power Purchase Agreements with Goodhue Wind, LLC

Commissioner Pugh moved that the Commission

1. determine that a contested case is required to resolve the issues in these two dockets;
2. approve the proposed amendment;
3. determine that the Goodhue project is a C-BED project with a minimal impact on Xcel's rates and approve the Power Purchase Agreements;
4. require Xcel to provide, in 60 days, a filing showing how Xcel will fully comply with the Commission's Target Order and abide by the commitments Xcel made in that Order. At a minimum, this filing should discuss an all-source renewable bidding process, where C-BED, non-C-BED and utility-owned projects would compete with each other to set out the least-cost ways to meet the Minnesota RES. The petition should also explain how Xcel intends to balance the appropriate factors of Minnesota Statutes §§216B.1691, subd. 10 and 216B.1612, subd. 5:
 - promoting rural economic development;
 - reliability;
 - minimizing cost; and
 - acquiring C-BED projects at a minimal cost impact; and

5. require Xcel to provide, in the Company's PPA petitions an estimate of the premium for C-BED petitions based on a comparison of the proposed C-BED price to Xcel's own high end estimate of the levelized cost of Xcel's Nobles project used in the OES's cost comparison as presented in Table 1 of the OES reply comments; require the Company to update this information when the results of a competitive bidding process are known.

The motion was adopted, 5-0.

IP-6701/CN-09-1186

In the matter of the Application of AWA Goodhue Wind, LLC for a Certificate of Need for a 78 MW Wind Project and Associated Facilities in Goodhue County

Commissioner O'Brien moved that the Commission

1. deny the request for a contested case hearing; and
2. direct the Applicant to file the transmission costs related to this project within 20 days of the Order.

The motion was adopted, 5-0.

IP-6701/WS-08-1233

In the Matter of the Application of AWA Goodhue, LLC, for a Large Wind Energy Conversion System (LWECS) Site Permit for the 78 MW Goodhue Wind Project in Goodhue County

Commissioner Wergin moved that the Commission

1. make a preliminary determination that a draft site permit may be issued;
2. approve the proposed draft site permit for the Pleasant Valley Wind Project for distribution and public comment; authorize OES-EFP staff to implement the public participation process found in Minn. Rules, Part 7854.0900; and
3. deny the request for a contested case hearing, but expand the scope of the public hearing that will be held on the Certificate of Need proceeding to include siting matters related to the Draft Site Permit to the extent feasible.

The motion was adopted, 5-0.

TELECOMMUNICATIONS AGENDA

P-421/C-07-370

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

P-421/C-07-371

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

Commissioner O'Brien renewed his 8-part motion stated above.

Commissioner O'Brien amended his motion to propose that the Commission

1. adopt the ALJ's recommendation modified to incorporate the Department's recommendation, directing Qwest to change the process that it has instituted for the commingled EELs and to develop a low-cost method to provide for an EEL having one circuit ID; and
2. adopt the ALJ's recommendation modified to incorporate the recommendations of the Department and Integra Telecom, requiring Qwest to render a single bill to a CLEC ordering a commingled EEL.

Commissioner O'Brien withdrew his motion.

Chair Boyd moved to that the Commission

1. adopt the recommendation of the ALJ's December 9, 2008 Order and reaffirm that the Commission has jurisdiction over the subject matter of these dockets;
2. find that Qwest has an obligation to negotiate terms and conditions regarding both the conversion of § 251 UNEs to non-UNEs, and commingling;
3. adopt the Department's recommendation permitting Qwest to change an element's circuit ID during conversion of UNEs to non-UNEs, and requiring Qwest to provide CLECs with information relating the new and old circuit IDs in a user-friendly format;
4. clarify that the commingled EELs at issue in these dockets refer to point-to-point commingled EELs;
5. adopt the ALJ's recommendation to require Qwest to accept a single order form for commingled EELs; and
6. adopt the ALJ's recommendation that the installation interval for a commingled EEL should be no longer than that required for a special access EEL (nine days).

The motion was adopted, 5-0.

Commissioner Wergin moved that the Commission adopt the ALJ's recommendation and allow Qwest to use different circuit IDs for each circuit in a commingled EEL, but to place on Qwest the responsibility for manually correlating the two circuits and for providing this information to CLECs in a usable way.

The motion was adopted, 4-1. Commissioner O'Brien voted no.

Commissioner Pugh moved that the Commission

1. adopt the ALJ's recommendation and, when Qwest receives a CLEC's request to repair a commingled EEL incorporating two circuits, require Qwest to accept a single repair ticket that cross-references both circuit IDs; and
2. adopt the ALJ's recommendation and require that the repair interval for a commingled EEL be no longer than the repair interval for special access EELs (four hours).

The motion was adopted, 4-1. Chair Boyd voted no.

Commissioner Wergin moved that the Commission adopt the ALJ's recommendation, requiring Qwest to provide the information necessary to correlate the loop and transport portions of the separate bills for commingled EELs and also to provide a spreadsheet with information similar to that agreed upon in the state of Washington.

The motion was adopted, 4-1. Commissioner O'Brien voted no.

Commissioner Wergin moved that the Commission

1. decline Qwest's proposal to initiate proceedings addressing how Qwest would recover the cost of complying with this order;
2. adopt the ALJ's recommendation requiring parties to draft a standard interconnection agreement amendment – incorporating the requirements of the Commission and the manner in which these terms can be made widely available to all CLECs -- to be filed within 30 days of the Order; and
3. delegate authority to the Executive Secretary to vary the time line.

The motion was adopted, 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: MAY 19, 2010

A handwritten signature in black ink, reading "Burl W. Haar". The signature is written in a cursive style with a large initial "B".

Burl W. Haar, Executive Secretary