

The Commission met on **Thursday, June 26, 2014**, with Chair Heydinger and Commissioners Lange, Lipschultz, and Wergin present.

The following matters were taken up by the Commission:

### **ENERGY AGENDA**

#### **IP-6914/WS-13-843**

#### **In the Matter of the Application of Odell Wind Farm, LLC for a Site Permit for a 20-MW Wind Farm in Cottonwood, Jackson, Martin, and Watonwan Counties**

Commissioner Lipschultz moved to take the following actions:

1. Adopt the ALJ's Report and issue a site permit, with the exceptions outlined by the Department EERA staff and Commission staff, but with a five-year interval between decommissioning update reports; and
2. Approve the June 18, 2014 Avian and Bat Protection Plan as final.

The motion passed 4-0.

#### **E-015/M-13-1166**

#### **In the Matter of Minnesota Power's Petition for Approval of Cost Recovery Under the Boswell Energy Center Unit 4 Emission-Reduction Rider**

Commissioner Lange moved to take the following actions:

1. Approve Minnesota Power's filing with the exception of the proposed customer notice; and
2. Modify the proposed notice by striking the following paragraph: "The BEC4 Plan balances emission reductions and environmental/health benefits with customer costs."

The motion passed 4-0.

#### **E-015/M-11-409**

#### **In the Matter of Minnesota Power's Petition for Approval of a Pilot Rider for Customer Affordability of Residential Electricity**

Commissioner Wergin moved to take the following actions:

1. Accept Minnesota Power's CARE Program second annual report;
2. Do not allow the Company to recover its costs to administer the CARE Program;

3. Require Minnesota Power to provide additional comparison data on customer arrearages and to provide details on an arrearage forgiveness component to its CARE Program in its next annual report;
4. Do not require Low-Income Home Energy Assistance Program (LIHEAP)-eligible Customers to reapply for the CARE Program on an annual basis. Require Minnesota Power to determine customer eligibility for participation in the CARE Program based on the customer's eligibility for LIHEAP. Require the Company to remove customers from the CARE Program if they become ineligible for LIHEAP; and
5. Remove the cap of 5,000 participants and impose no cap on the number of customers the Company can enroll in the CARE Program.

The motion passed 4-0.

**E-015/GR-09-1151**

**In the Matter of the Application of Minnesota Power for Authority to Increase Electric Service Rates in Minnesota**

Commissioner Lange moved to take the following actions:

1. Accept Minnesota Power's January 11, 2013 (first) and April 28, 2014 (second) annual evaluation reports on its residential five-block rate design.
2. Require Minnesota Power to continue to provide annual filings that evaluate the effectiveness of the pilot Residential General Service rate design.
3. Require Minnesota Power, within 60 days of the date of the order, to file with the Commission information on what percentage of their lowest usage customers are low income, and a comparison of the average kWh usage of LIHEAP vs. non-LIHEAP customers.

The motion passed 4-0.

**E-002/M-13-1015**

**In the Matter of a Petition by Xcel Energy for Approval of Revisions to the Solar\*Rewards Program**

Chair Heydinger moved to take the following actions:

1. Approve the proposed tariff modification to close the existing Solar\*Rewards program to new applicants.
2. Approve the proposed "Assignment of Contract" and "Assignment of Incentive" forms for use by Solar\*Rewards participants.

3. Approve Xcel's proposed tariffed contracts for the new Solar\*Rewards programs as revised in Xcel's May 12, 2014 comments in this docket, with the following exceptions and modifications:

a. Xcel shall amend Section 7(e) of both the standard Solar\*Rewards contract and the community-solar-garden contract as follows:

If a Party defaults in performing its obligations under this Contract, the non-defaulting Party may give written notice, mailed or delivered, to the defaulting Party: (a) identifying the nature of the default; and (b) stating that the non-defaulting Party may terminate this Contract if the defaulting Party does not cure the identified default within thirty (30) days of the date the non-defaulting Party mailed or delivered the written notice to the defaulting Party ninety (90) days for PV system operational issues and within thirty (30) days for non-operational issues, unless the failure to cure is due to factors beyond the defaulting Party's control, in which case the defaulting Party shall be given an additional period of time to cure that is reasonable under the circumstances. If the defaulting Party does not cure the default identified in the written notice within ~~that~~ thirty (30) day the identified time period, then the non-defaulting Party may, at its sole option, terminate this Contract upon written notice of termination mailed or delivered to the defaulting Party. Any notices given under this Section shall be addressed to the Parties (or their successors in interest) at their respective mailing addresses identified in the first paragraph of this Contract.

b. Xcel shall amend section 5(k) of the Solar\*Rewards contract as follows:

Customer agrees to disconnect the PV System from the Company distribution system (until remedied) or to reimburse Company for cost of necessary system modifications if ~~operation a malfunction~~ of the PV System causes radio, or television or electrical service interference to other customers, or interference with the operation of Company's system. Notice of cost impacts will be given to customer before the Company makes upgrades to the distribution system and charges upgrade costs to the customer. The Company will not provide prior notice if upgrades are required to safeguard health and safety in an emergency.

c. Xcel shall remove section 5(i) from the Solar\*Rewards contract.

d. Xcel shall amend section 4(k) of the Solar\*Rewards contract, and section 4(i) of the community-solar-garden contract, by striking the words "is not receiving" and inserting the words "has not received."

- e. Xcel shall update the community-solar-garden contract to reflect the program name established in Docket No. E-002/M-13-867.
4. Find that the annual compliance information required by the Department is sufficient.
5. Require Xcel to make a compliance filing reflecting the Commission's decisions in this matter within 30 days of this order, with the exception of the Solar\*Rewards contract for Community Solar Gardens, which shall be filed within 30 days of the Commission's order on Xcel's community-solar-garden compliance filing in docket no. 13-867. The latter filing shall be made in both this docket and docket no. 13-867.

The motion passed 4-0.

## **TELECOMMUNICATIONS AGENDA**

### **P-6892/M-12-1182**

#### **In the Matter of the Petition of Total Call Mobile, Inc. for Designation as an Eligible Telecommunications Carrier**

Commissioner Wergin moved that the Commission take the following actions:

1. Find that Total Call is a common carrier and commits to providing the required voice telephony services.
2. Find that Total Call is not required, by virtue of the FCC's forbearance order, to meet the facilities ownership requirement.
3. Find that Total Call has met the requirement to describe the terms and conditions of its voice telephony offering.
4. Find that Total Call meets the requirement to advertise the availability of its Lifeline service subject to the condition that it file, within 30 days of the date of the Commission's order, a formal advertising and outreach plan listing the specific local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of its Lifeline service, and a proposed schedule or statement of anticipated frequency of such advertising.
5. Find that Total Call has demonstrated its ability to remain functional in emergency situations.
6. Find that Total Call has demonstrated that it will satisfy applicable consumer-protection and service-quality standards.
7. Find that Total Call meets the requirement to submit an informational tariff, subject to the condition that it file, within 30 days of the date of the Commission's order, an updated informational tariff. Total Call must also ensure that the terms and conditions applicable

to Minnesota customers, posted on its website, do not conflict with the terms and conditions included in its Minnesota informational tariff. Total Call must immediately notify the Commission and Department, in writing, upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. Total Call must submit a revised tariff or customer-service agreement page to reflect such changes.

8. Find that Total Call meets the requirement to demonstrate that it is financially and technically capable of providing Lifeline service.
9. Find that Total Call meets the requirement to show that it is not in arrears in amounts owed to the 911 emergency telecommunications service account upon a showing that it has obtained certification from the Department of Public Safety demonstrating that it is not in arrears.
10. Find that Total Call's proposed rates for its Lifeline service are in the public interest and that, going forward, Total Call shall offer the highest number of free minutes of usage offered in any jurisdiction by Total Call and supplementary minutes at the lowest price offered in any other jurisdiction in which it provides wireless Lifeline service, provided that the available support is the same.
11. Find that Total Call meets the PSAP Certification upon a showing that it has obtained certification of its handsets by the Department of Public Safety. Absent such a showing, Total Call shall not offer service to Lifeline customers in Minnesota.
12. Require that Total Call's ETC designation be subject to the following conditions:
  - a. Total Call must report any unfulfilled requests for service from Lifeline-qualified customers. If it determines that it cannot reasonably serve a consumer, it must report the unfulfilled request to the Department and the Commission within ten days after making such a determination.
  - b. Total Call shall comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
  - c. Total Call must provide customers with access to usable phones. Frequent static or other interference on the line, lack of clarity, dropped calls, and inability to place a call or receive a call under normal circumstances are not acceptable. If the buttons on phones are too small to use, for example, Total Call must provide customers an opportunity to try a different make or model. Total Call must make hearing-aid compatible handsets available to Lifeline-qualified customers at no charge.

- d. Policies regarding repair, maintenance, and replacement of handsets, batteries, and chargers and options to purchase handsets must be clear to consumers and available to consumers who do not have web access. Total Call must provide detailed information in writing at the time of enrollment on repair and replacement policies for phones and accessories (batteries, chargers) and purchase options.
  - e. Total Call must offer instruction manuals to consumers at the point of sale and make them available upon request. Total Call must continue to maintain cell-phone instruction manuals for the free handsets it distributes.
  - f. Total Call must provide its customers access to customer service without lengthy hold times and without use of air-time minutes.
  - g. To the extent that Total Call conducts, or employs agents to conduct, in-person distribution events, it must provide consumers with access to information, via telephone as well as website, on its Minnesota distribution events, locations, and times. At a minimum, Total Call must provide such information, when available, to social service agencies whose clients may qualify for Lifeline in order that consumers may make reasoned decisions about the Lifeline provider that best suits their needs.
13. Find that Total Call has made a credible showing of its capability and intent to provide and advertise an affordable, quality Lifeline offering throughout its proposed service area, and that its designation of the provision of Lifeline service is in the public interest subject to conditions.
14. Approve Total Call's petition for ETC designation for the limited purpose of providing Lifeline service to qualifying Minnesota customers, subject to the terms and conditions in each of the decisions above.

The motion passed 4-0.

**P-999/CI-12-1329**

**In the Matter of a Commission Investigation into the Completion of Long-Distance Calls to Rural Areas in Minnesota**

Commissioner Lipschultz moved to take the following actions:

- 1. Adopt all, or part, and/or amend the Department's recommendations as follows.
- 2. The Commission adopts the Department's recommendation to keep the docket open, track the FCC's initiatives, and investigate complaints received on a case-by-case basis.

3. The Commission takes no action as to the Department's recommendation to find that interexchange carriers need to proactively ensure that any intermediate providers in the call paths used for the termination of calls they originate do not cause call failures to occur.
4. The Commission adopts and amends the Department's recommendation to require that all originating interexchange carriers report each call-completion complaint they receive to the Commission and the Department on a quarterly basis for a year. Interexchange companies without a complaint need not file any reports. Reports should include
  - a. Root-cause analysis on any call-completion complaints for any intrastate call-completion problem regardless of who reports the incident to the carrier;
  - b. If an intermediate provider in the call path was responsible for call failure, the name of that intermediate provider and whether the intermediate provider was removed as a routing alternative;
  - c. Any past performance or call-failure problems that the interexchange carrier (IXC) has had with the intermediate provider (if not already reported via this process);
  - d. An explanation of what steps the IXC has taken with the intermediate provider to ensure call-completion problems do not occur in the future; and
  - e. Whether test lines were made available by the incumbent local exchange company in the exchange where the call failed, and if so, the testing process used by the IXC.
5. The Commission takes no action as to the following recommendation of the Department:

Require each interexchange carrier to supply the list of intermediate providers it routes intrastate call to, the name of the contact person of the intermediate provider the inter exchange carrier has on file to address any call completion problems, and the contact person's telephone number and find that the Department has agreed to maintain the list on its website.
6. The Commission takes no action as to the following recommendation of the Department:

Require any new contracts entered for call routing/termination to contain the typical provisions found in legal contracts, such as the agreement to comply with legal and regulatory requirements.

7. The Commission takes no action as to the following recommendation of the Department:

Encourage interexchange carriers to not include confidentiality provisions in call routing/termination contracts to avoid any delay in producing information deemed necessary by regulatory authorities.

8. The Commission adopts the Department's recommendation that the removal or altering of call-signaling information to commit fraud is a serious offense in violation of federal and state law.

9. The Commission adopts the Department's recommendation to require rural incumbent carriers to make test lines available so that interexchange carriers have the opportunity and ability to test the effectiveness of their call routing.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: August 20, 2014**



---

**Burl W. Haar, Executive Secretary**