

The Commission met on **Thursday, October 6, 2011**, with Chair Anderson, and Commissioners Boyd, Reha and Wergin present.

The following matters were taken up by the Commission:

ENERGY AGENDA

E-111/M-11-824

In the Matter of Dakota Electric Cooperative's Request for a Variance to the Billing Error Rules

Commissioner Wergin moved that the Commission approve Dakota Electric's variance request and a one-time variance to the Cooperative's tariff.

The motion passed 4-0.

G-007,011/D-11-491

In the Matter of the Request of Minnesota Energy Resources Corporation (MERC) for Certification of 2011 Depreciation Rates

Commissioner Reha moved that the Commission approve MERC's proposed remaining lives, salvage values, and resulting depreciation rates effective January 1, 2011.

The motion passed 4-0.

E-015/M-11-806

In the Matter of a Petition by Minnesota Power for Approval of a Rider for Facilities Franchise Fee

Commissioner Wergin moved to do the following:

1. Find that the Commission has the authority to address the petition filed in this docket.
2. Approve Minnesota Power's proposed Facilities Franchise Fee Rider. Allow the rider to be effective for application to the City of Cohasset pipeline franchise fee the date of the franchise granted Minnesota Power, but no earlier than October 4, 2011. Direct Minnesota Power to file additional tariff language for further Commission review specifying how it will calculate the fee and collect the franchise fee from its Cohasset ratepayers.
3. Approve the customer notice language recommended by the Minnesota Department of Commerce.

The motion passed 4 – 0.

ENERGY FACILITIES AGENDA

IP-6666/WS-08-208

In the Matter of the Sibley Wind Substation LLC's Site Permit for a 20 MW Large Wind Energy Conversion System in Sibley County

Commissioner Wergin moved that the Commission:

Grant the petition for amendment by Sibley Wind, LLC, and amend its Large Wind Energy Conversion System Site Permit as provided in the attached amendment.

The motion passed 4-0.

TELECOMMUNICATIONS AGENDA

P-6186/M-11-399

In the Matter of a Petition of Midcontinent Communications for Designation as an Eligible Telecommunications Carrier in Minnesota

Commissioner Boyd moved that the Commission:

1. Accept Midcontinent's late-filed petition.
2. Find that Midcontinent has met the requirement to provide sufficient evidence about use of its own facilities.
3. Find that the following Qwest exchanges were properly identified by Midcontinent as the exchanges in its service area: Avon, Bemidji, Braham, Breckenridge, Cambridge, Cass Lake, Crookston, East Garand Forks, Forest Lake, Isanti, Moorhead, Mora, North Branch, Ogilvie, Ortonville, Pine City, Princeton, Rush City, Sabin, and Wabasha.
4. Require Midcontinent to submit, within 30 days, a formal advertising plan listing publications in Minnesota through which it intends to advertise the availability of Lifeline and LinkUp, including the proposed frequency of and a schedule of such advertising and outreach efforts.
5. Require Midcontinent to submit the following within 30 days: revised tariff pages that describe the Lifeline offering, as well as detailed information about Lifeline and LinkUp benefits; and a tariff page that identifies the exchanges in which it is certified as an ETC and in which it is eligible to receive reimbursement from the low-income program of the USF.
6. Require Midcontinent to file any service extension proposal to a requesting end-user with the Commission to ensure its reasonableness and consideration of less costly alternatives, and report to the Department and the Commission any unfulfilled request for service within 10 days after determining that it cannot reasonably serve a customer.

7. Find that Midcontinent has meet the requirement to file a 2-year service improvement plan.
8. Find that Midcontinent has met the requirements to provide basic universal service offering; ability to remain functional in case of an emergency and provide equal access
9. Find that granting the petition is in the public interest
10. Approve the petition for ETC designation subject to the following conditions:
 - a. That Midcontinent be required to submit a compliance filing within 30 days that includes an advertising plan listing the publication in Minnesota through which it intends to advertise the availability of Lifeline and LinkUp, including the proposed frequency of and a schedule of such advertising and outreach efforts
 - b. That Midcontinent submit a compliance filing within 30 days that includes revised tariff pages that describe the Lifeline offering and that include detailed information about Lifeline and LinkUp, and a tariff page that identifies the exchanges in which it is certified as an ETC and in which it is eligible to receive reimbursement form the low-income program of the US.
 - c. File with the Commission any service extension proposal to ensure its reasonableness and consideration of less costly alternatives, and report to the Department and the Commission any unfulfilled request for service within 20 days after determining that it cannot reasonably serve a customer.

The motion passed 4-0.

P-6849/M-10-1174

In the Matter of the Petition of Midwestern Telecommunications, Inc. for Designation as an Eligible Telecommunications Carrier in Minnesota

Commissioner Wergin moved that the Commission:

1. Designate Midwestern Telecommunication, Inc. (MTI) an Eligible Telecommunications Carrier under 47 U.S.C. § 214, for Lifeline and LinkUp services subject to the conditions set forth below.
2. If MTI has determined that it cannot reasonably serve a consumer, it shall report the unfulfilled request for service to the Minnesota Department of Commerce and the Commission within 10 days after making such determination.
3. MTI shall provide Lifeline customers with basic 911 and E911 access regardless of activation status and availability of prepaid minutes.
4. MTI shall obtain PSAP certification from the Department of Public Safety.

5. Within 30 days of this Order, MTI shall submit (1) a formal advertising and outreach plan listing the local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of Lifeline service; and (2) a proposed schedule or anticipated frequency of such advertising.
6. Within 30 days of this Order, MTI shall submit a tariff modified as recommended by the Minnesota Department of Commerce in this proceeding.
7. MTI shall include a copy of the CTIA Consumer Code for Wireless Service in its tariff.
8. In the event MTI wishes to seek eligibility for the receipt of high-cost funds in the future, it shall submit an investment plan prior to high-cost ETC designation.
9. Within 30 days of this Order, MTI shall acknowledge to the Commission that the Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.
10. MTI's proposed rates for its Lifeline service are in the public interest. MTI shall offer, in Minnesota, the highest number of free minutes of usage offered in any jurisdiction by MTI with supplementary minutes priced at the lowest level offered in any other jurisdiction in which MTI provides wireless Lifeline service. MTI shall report back to the Commission one year from the date of this Order for purposes of revisiting its competitiveness of offerings in Minnesota and other jurisdictions.
11. For qualified customers, MTI shall waive the remaining \$30.00 of the customary \$60.00 activation charge not paid by the LinkUp program.
12. MTI shall require its customers to certify at the time of service activation and annually thereafter that they are the heads of households and receive Lifeline supported services only from MTI.
13. MTI shall provide an annual report on customers whose service is cancelled due to 90 days of non-usage and shall submit evidence that it does not collect Universal Service Fund subsidies for those inactive phones.
14. MTI shall comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
15. MTI shall comply with the same process for annual customer validation for Lifeline verification as other ETCs in Minnesota, approved by the Commission in Docket No. P-999/M-08-639 and subsequently revised.
16. MTI shall assign its Lifeline customers only numbers that are local to their billing address, with "local" meaning that the MTI customer will be assigned a number assigned to the free calling area for the local telephone exchange where the customer's billing address is located.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: December 21, 2011

A handwritten signature in black ink, appearing to read "Burl W. Haar". The signature is written in a cursive style with a large initial 'B' and 'H'.

Burl W. Haar, Executive Secretary