

The Commission met on **Thursday, October 27, 2011**, with Chair Anderson, and Commissioners Boyd, O'Brien, Reha and Wergin present.

The following matters were taken up by the Commission:

ENERGY FACILITIES AGENDA

IP-6851/WS-10-1238

In the Matter of Big Blue Wind Farm, LLC

Commissioner Boyd moved that the Commission grant approval of the Big Blue Wind, LLC Avian and Bat Protection Plan as amended by the Supplemental Filing and be the recommended additions outlined in the U.S. Fish and Wildlife comment letter dated October 19, 2011

The motion passed 5-0.

IP-6853,IP-6866/CN-11-471

In the Matter of the Application of Black Oak Wind, LLC & Getty Wind Company, LLC for a Certificate of Need for up to 82 MW Wind Project in Stearns County

Commissioner Boyd moved that the Commission grant a variance to Minnesota Rules, part 7849.0200, subp. 5, to extend the period for Commission consideration of the completeness of the application for an unspecified but reasonable period of time.

The motion passed 5-0.

PT-2000,P-424,P-3141/PA-10-1005

Supplemental Joint Petition of Redwood County Telephone Company, Redwood Long Distance Company and Arvig Enterprises, Inc. for Approval of Transfer of Assets

Commissioner Reha moved the following:

1. Approve the request to supplement the December 3, 2010 Order in this docket to authorize Arvig Enterprises, Inc. to operate the acquired assets in operations as a competitive local exchange carrier in the Redwood Falls, Minnesota Exchange through its subsidiary, Redwood County Telephone Company d/b/a Arvig Communications Systems and d/b/a ACS, pursuant to the Commission's May 4, 2004 Order in Docket No. P-424/NA-03-1304.
2. Arvig Enterprises, Inc.'s competitive local exchange carrier operations are limited to the same authorizations held by the former Redwood County Telephone Company for those operations prior to being acquired by Arvig Enterprises, Inc. Conditions to expand the former Redwood County Telephone Company's competitive local exchange carrier service areas beyond the Redwood Falls, Minnesota exchange, identified in the P-424/M-06-621 Order on May 24, 2006 have not been met. Accordingly, the current Redwood

County Telephone Company's authority to operate in the exchanges of Qwest beyond the Redwood Falls exchange, CenturyTel of Minnesota, Inc., Frontier Communications of Minnesota, Inc., Citizens Telecommunications of Minnesota, LLC and Mid-State Telephone Company is conditional and not operational.

3. Confirm the assignment of the interconnection agreement between the former Redwood County Telephone Company and Qwest Corporation in Docket No. P-424,421/IC-04-458 on April 19, 2004 as amended by Docket No. P-424,421/IC-04-1874 on January 5, 2005 to the current Redwood County Telephone Company.

The motion passed 5 – 0.

TELECOMMUNICATIONS AGENDA

P-3049,5323,5745/PA-11-829

Joint Petition of Windstream Corporation, Peach Merger Sub, Inc., Talk America, Inc., McLeodUSA Telecommunications Services, LLC, and PaeTec Communications, Inc. for Approval of Agreement and Plan of Merger

Commissioner Wergin moved that the Commission:

Approve the transfer of control of Talk America, Inc., McLeodUSA Telecommunications Services, LLC, and PaeTec Communications, Inc. to Windstream Corporation with the following:

- The Commission provided for a consistent assessment of TAM, TAP, and 911 surcharges on affected carriers in Minnesota, and McLeodUSA Telecommunications Services, LLC must continue to file TAP reports.
- Windstream Corporation must submit the proposed Merger's impact on Minnesota employees when it becomes known.
- The Department of Public Safety and the Metropolitan Emergency Service Board are placed on the service list for this docket.
- Talk America, Inc., McLeodUSA Telecommunications Services, LLC, and PaeTec Communications, Inc. must continue to submit jurisdictional annual reports, as well as any other required regulatory filings and payments for regulatory assessments.
- Petitioners must file a notice of closing within 20 days of completion of the proposed transaction.

The motion passed 5-0.

P-6862/M-11-132

In the Matter of the Petition of Telrite Corporation for Designation as an Eligible Telecommunications Carrier in Minnesota

Commissioner Wergin moved that the Commission:

1. Find that Telrite meets the requirement to be a common carrier and provide the nine supported services.
2. Find that Telrite has met the requirement to file a list and description of the facilities used to provide services throughout the serve area for which designation is sought.
3. Find that Telrite has met the facilities ownership requirement.
4. Find that Telrite has met the service provision request requirement subject to the condition that Telrite must, if it cannot reasonably serve a customer, report the unfulfilled request to the Department and the Commission within 10 days after making such a determination.
5. Find that Telrite meets the emergency activation and availability requirement subject to the condition that that Telrite provide Lifeline customer with basic 911 and E911 access regardless of activation status and availability of prepaid minutes.
6. Find that Telrite meets the Public Safety Answering Point criterion subject to the requirement that Telrite obtain certification through the Department of Public Safety.
7. Find that Telrite meets the requirement to submit an advertising plan subject to the condition that within 30 days of the Commission's Order conditionally approving Telrite's petition, Telrite must submit 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 a proposed schedule or anticipated frequency of such advertising.
8. Find that Telrite meets the requirement to file an informational tariff subject to the condition that within 30 days of the Commission's Order conditionally approving Telrite's petition, Telrite must submit a tariff conforming to the following terms:
 - includes policies regarding disconnection de-enrollment, and/or deactivation;
 - includes commitments to comply with the Commission's consumer protection and service quality standards codified in Minn. Rules, Chapter 7810, including those relating to record keeping and reporting, billing practices, and complaint handling procedures;
 - clearly lists and explains the pricing for the Lifeline offering and any other optional service which may be added to the Lifeline offering;
 - includes a narrative description of the area in which Telrite proposes to offer Lifeline service;
 - explains the steps Telrite will take to provide service to customers within its proposed service area but outside its existing network coverage;

- provides clear notice containing the Commission's contact information and which states that this Commission is available for assistance in addressing customer questions, concerns, comments, and complaints;
 - includes a commitment to notify the Department and the Commission in writing and to submit a revised tariff page if Telrite seeks to change any of the terms, conditions, or rates of its Lifeline offering, or if it decides to withdraw some or all of its Lifeline offerings in Minnesota. Telrite shall notify the Department and the Commission 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. Telrite shall submit a revised tariff page or pages to reflect such changes;
 - does not conflict with the terms of the Lifeline Wireless Customer Terms and Conditions, with Minnesota law, or with prior Commission Orders designating ETCs.
9. Find that Telrite meets the requirement to submit a service quality plan subject to the condition that Telrite includes a copy of the CTIA Consumer Code for Wireless Service in its tariff.
 10. Find that Terlite has made a service commitment.
 11. Find that Telrite is not required to submit a service improvement plan. If, in the future, Telrite wishes to seek eligibility for the receipt of high-cost funds, it would be required to submit an investment plan prior to high-cost designation.
 12. Find that Telrite has demonstrated emergency functionality.
 13. Find that Telrite has satisfied consumer protection standards.
 14. Find that Telrite has submitted a comparable usage plan.

The motion passed 5-0.

Commissioner Wergin moved that the Commission:

1. Find that Telrite meets the requirement to provide equal access to long distance carriers on the condition that Telrite acknowledge that the Commission may require the Company 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.
2. Find that Telrite's proposed rates for its Link Up service are not in the public interest unless Telrite waives the \$30.00 balance (after application of the \$30.00 Link Up discount to its customary \$60.00 activation fee) for its Lifeline/Link Up eligible customers.
3. Find that Telrite's proposed rates are in the public interest subject to the condition that Telrite modify its 68 minute plan to provide 68 free minutes with texting at *one-third minute* (instead of one-half minute) per text and rollover of unused minutes. Telrite shall begin offering the modified plan no later than February 1, 2012.

4. Find that Telrite must meet the following additional conditions:
 - Telrite 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 Telrite.
 - Telrite shall file an annual inactivity report on customers whose service is cancelled due to 60 days of inactivity. The report must include information showing that Telrite does not collect Universal Service Fund subsidies for those inactive phones.
 - Telrite shall comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
 - Telrite shall follow the established Lifeline verification procedures as approved by the Commission in Docket No. P-999/M-08-639 and as subsequently revised.
 - Telrite shall assign its Lifeline customers only numbers that are local to their billing addresses. Local means that the Telrite 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.
5. Approve Telrite's petition for ETC designation for Lifeline and Link Up services subject to the terms and conditions addressed in each of the decisions above. Approval is granted for one year and subject to review within that year with a focus on, but not limited to, federally mandated changes.
6. Request that staff open a generic docket to explore the new public interest issues raised by this and other similarly innovative offerings and to examine the comparability of local usage plans, including the effect of texting on the adequacy of local usage.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: December 21, 2011



Burl W. Haar, Executive Secretary