

The Commission met on **Thursday, August 7, 2014**, with Chair Heydinger, and Commissioners Boyd, Lange, Lipschultz, and Wergin present.

The following matters were taken up by the Commission:

TELECOMMUNICATIONS AGENDA

P-5207/RV-14-435

In the Matter of the Revocation of LDC Telecommunications Inc.'s Certificate of Authority

Commissioner Boyd moved to revoke LDC Telecommunications Inc.'s certificate of authority.

The motion passed 5-0

P-6522/RV-14-442

In the Matter of the Revocation of Infotelecom, LLC's Certificate of Authority

Commissioner Boyd moved to revoke Infotelecom, LLC's Certificate of Authority.

The motion passed 5-0.

ENERGY AGENDA

G008/GR-13-316

In the Matter of the Application of CenterPoint Energy Minnesota Gas for Authority to Increase Natural Gas Rates in Minnesota

Commissioner Boyd moved to reconsider the Commission's Findings of Fact, Conclusions, and Order of June 9, 2014, in this docket.

The motion passed 5 – 0.

Commissioner Boyd moved to take the following action:

1. Clarify the Commission's Findings of Fact, Conclusions, and Order of June 9, 2014, in this docket as follows—amend Section XXIII (D), on page 53, to read:

The Commission concurs with the Administrative Law Judge on these issues and accepts her findings, conclusions, and recommendations. The Commission will adopt the Department's recommended customer charges for these customer classes, as set forth below:

Chair Heydinger moved to set a March 1 deadline for Xcel to file annual value-of-solar inflation updates and updated rate calculations using the approved methodology for future interconnections if the Commission directs Xcel to file a value-of-solar tariff for community solar gardens.

The motion passed 5-0.

Chair Heydinger moved to prohibit customers who are exempt from the Solar Energy Standard (SES) under Minn. Stat. §216B.1691, subd. 2f (d), from participating in or being subscribers to community solar gardens.

The motion passed 5-0.

Commissioner Wergin moved to require Xcel to add language to its tariff to clarify that the compliance check with the 120% rule will be performed once at the beginning of a subscription and later only if the subscriber changes his or her subscription size or relocates to a new address.

The motion passed 5-0.

Commissioner Wergin moved to require Xcel to revise the definition of “Community Solar Garden Operator” at Tariff Sheet No. 70 (and wherever else the definition occurs in the proposed tariffs) to read, “‘Community Solar Garden Operator’ is identified above and shall mean the organization whose purpose is to operate or otherwise manage the Community Solar Garden for its Subscribers. A Community Solar Garden Operator may be an individual or any for-profit or non-profit entity permitted by Minnesota law.”

The motion passed 5-0.

Chair Heydinger moved to amend tariff sheet 9-67 to substitute 24 months for 18 months as the deadline for a solar-garden operator to complete a project.

The motion passed 5-0.

Chair Heydinger moved to require Xcel to revise the definition of “Community Solar Garden Site” as follows:

“Community Solar Garden Site” is the location of the single point of common coupling located at the production meter for the Community Solar Garden associated with the parcel or parcels of real property on which the PV System will be constructed and located, including any easements, rights of way, and other real-estate interests reasonably necessary to construct, operate, and maintain the garden. Multiple Community Solar Garden Sites may be situated in close proximity to one another in order to share in distribution infrastructure.

The motion passed 5-0.

Chair Heydinger moved to require Xcel to tie site control in criteria (iii) of the requirements for application readiness back to the definition of the Community Solar Garden Site such that criteria (iii) of the application requirements is revised as follows: “the applicant has submitted evidence of control of the Community Solar Garden Site.”

The motion passed 5-0.

Chair Heydinger moved to take the following actions:

1. Approve Xcel’s request for program naming, including the name “Solar*Rewards Community” for the community-solar-garden program, except require the Company to rename “Solar*Rewards with Solar*Rewards Community Contract” as “Solar*Rewards Community Contract for those receiving Solar*Rewards Incentive.”
2. Require Xcel to submit a compliance filing under both Docket Nos. E-002/M-13-1015 and 13-867 within 10 days of the Order in this matter, with any revisions to the contract as consistent with the Orders in 13-1015 and 13-867.

The motion passed 5-0.

Commissioner Boyd moved to require Xcel to include language in the standard contract that provides for (1) identification of an Xcel breach for failure to pay or credit amounts due when due, (2) financier cure rights for any operator default, and (3) an extended cure period for defaults requiring more than 30 days to cure (e.g. a problem with the physical equipment requiring repair or replacement).

The motion passed 5-0.

Chair Heydinger moved to require Xcel to modify paragraph 6(S) in the standard contract to read as follows:

Fair Disclosure. Prior to the time when any person or entity becomes a Subscriber, the Community Solar Garden Operator will fairly disclose the future costs and benefits of the Subscription, and provide to the potential Subscriber a copy of this Contract. The Community Solar Garden Operator shall comply with all other requirements of the MPUC and applicable laws with respect to communications with subscribers.

The motion passed 5-0.

Commissioner Lipschultz moved to take the following actions regarding RECs associated with unsubscribed energy:

1. Approve the language proposed by Xcel in Tariff Sheet No. 85 requiring that in order for RECs associated with unsubscribed energy to be transferred to garden operators, the operators are required to maintain an active account with M-RETS; and

2. Encourage further discussion of this issue—how RECs associated with unsubscribed energy will be transferred to the garden operator—as part of the collaborative workgroup encouraged by the Commission in Ordering Point 25 of its April 7, 2014 order in this docket.

The motion passed 5-0.

Commissioner Lipschultz moved to require Xcel to revise its tariffed standard contract to make clear and to state in one location in the contract that, while the applicable retail rate is in effect, REC payments are expected to last for the full term of the contract.

The motion passed 5-0.

Commissioner Wergin moved to take the following actions:

1. Approve Xcel’s proposal to recover community-solar-garden program costs, including customer bill credits, additional REC credits, and unsubscribed energy, through the Fuel Clause Adjustment (FCA) mechanism; and
2. Require Xcel to include information about its bill credits, as reported in its Annual Compliance Report in this docket, in the Company’s annual FCA Annual Automatic Adjustment (AAA) Report, reflecting the same time period covered by the AAA report.

The motion passed 5-0.

Commissioner Boyd moved to require the Company, in reporting on the application process, to include information on what percentage of projects were finished within the 24-month deadline for project completion.

The motion passed 5-0.

Commissioner Wergin moved to require the Company to file revised tariff sheets reflecting the Commission’s decisions in this matter within ten days of the Commission’s order.

The motion passed 5-0.

Chair Heydinger moved to approve Xcel’s community-solar-garden plan pursuant to Minn. Stat. § 216B.1641, including revisions proposed by Xcel in the Company’s June 19, 2014 reply comments and the above modifications determined appropriate by the Commission. The plan will be considered approved for the purposes of Minn. Stat. § 216B.1641(a) and (g) if no objections are raised within 15 days of Xcel’s compliance filing.

The motion passed 5-0.

PL-6668/CN-13-474

In the Matter of the Application of North Dakota Pipeline Company LLC for a Pipeline Routing Permit for the Sandpiper Pipeline Project in Minnesota

Commissioner Wergin moved to take the following actions:

1. Accept the 53 alternative route alternatives recommended by EERA in its comments and recommendations and forward to the administrative law judge for consideration at the contested case hearing.
2. Accept the seven expanded route width areas recommended by EERA with the clarification of the expanded route width for Carlton County 2 requested by NDPC.
3. Approve the issuance of the generic pipeline route permit template attached to the briefing papers into the record.
4. Require NDPC to prepare a pipeline safety report in this matter that responds to the questions provided in Section VI of the briefing papers which shall be addressed as part of its direct testimony of a single witness and as a separate document for issuance into the record
5. Require NDPC to:
 - a) supply to Commission staff the mailing addresses for all landowners located on NDPC's proposed route and any alternative route or route segment accepted for hearing by the Commission;
 - b) send the staff-approved notice of alternative routes to the comprehensive landowner mailing list; and
 - c) assist with publication of the staff-approved notice in the appropriate newspapers.

The motion passed 5-0.

Commissioner Heydinger moved to accept SA-02 and SA-03 with the modifications identified by EERA in its comments and recommendations and forward to the administrative law judge for consideration in the contested case proceedings.

Commissioner Boyd moved to amend Commissioner Heydinger's motion to exclude SA-02 from the motion.

The motion to amend Chair Heydinger's motion passed 5-0.

Commissioner Heydinger's motion to accept system alternative SA-03 with the modifications identified by EERA in its comments and recommendations and forward it to the administrative law judge for consideration at the contested case hearing passed 5-0.

Commissioner Heydinger moved to accept, within 14 days of the date of the Commission's meeting (or, August 21, 2014), additional comments concerning further review of the remaining system options in the certificate of need docket, addressing the question of how these options should be considered in the certificate of need process and whether they ought to be treated as route alternatives or system alternatives or both. The Chair further moved to request the Executive Secretary to prepare a notice announcing the date of the Commission meeting at which time these matters will be discussed and the scope of the determinations to be made on that date.

The motion passed 3-2 (with Commissioners Boyd and Wergin voting no).

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: September 17, 2014

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