

The Commission met on **Tuesday January 8, 2013**, with Chair Heydinger and Commissioners Boyd, O'Brien, and Reha present.

The following matters were taken up by the Commission:

### **TELECOMMUNICATIONS AGENDA**

#### **P-6849/M-10-1174**

#### **In the Matter of the Revocation of Midwestern Telecommunications, Inc.'s (MTI) Conditional Eligible Telecommunications Carrier (ETC) Status in Minnesota**

Commissioner Reha moved to take the following actions:

1. Find that MTI has not complied with the ETC eligibility criteria or the requirements of its conditional ETC designation.
2. Revoke MTI's conditional ETC designation.

The motion passed 4-0.

#### **P-5798/RL-12-1144**

#### **In the Matter of the Petition of Arizona Dialtone, Inc. to Relinquish Its Certificate of Authority**

#### **P-421, P-5798/AM-12-1274**

#### **In the Matter of the Petition of Qwest Corporation d/b/a CenturyLink QC for Approval to Discontinue Physical Connection with Arizona Dialtone, Inc.**

#### **P-5323, P-5798/AM-12-1345**

#### **In the Matter of the Petition of McLeod Telecommunications Services for Approval to Discontinue Physical Connection with Arizona Dialtone, Inc.**

Commissioner Boyd moved to take the following actions:

1. Approve the Department's recommendations as follows:
  - A. Approve ADT's petition to relinquish its certificate of authority;
  - B. Find that ADT remains responsible for any outstanding assessments or other fees currently unpaid to the Department, Commission, or Department of Public Safety;
  - C. Determine not to pursue a jurisdictional report from ADT for the year ending December 31, 2012; and

- D. Approve cancellation of ADT's 911 plan.
2. Approve CenturyLink's petition to discontinue physical connections with ADT, with the following conditions:
    - A. The disconnection will occur between 8 a.m. and noon on a Monday, Tuesday, or Wednesday so that customers with their service being terminated are able to make arrangements with a new telecommunications service provider; and
    - B. The date and time of the disconnection and a list of remaining active telephone numbers will be provided to the Department several days prior to the disconnection. The Department will notify the company within 3 business days if the disconnections may proceed.
  3. Require that CenturyLink to notify in writing all remaining ADT customers of the actual disconnection date;
  4. Approve McLeod's petition to discontinue physical connections with ADT, with the following conditions:
    - A. The disconnection will occur between 8 a.m. and noon on a Monday, Tuesday, or Wednesday so that customers with their service being terminated are able to make arrangements with a new telecommunications service provider; and
    - B. The date and time of the disconnection and a list of remaining active telephone numbers will be provided to the Department several days prior to the disconnection. The Department will notify the company within 3 business days if the disconnections may proceed.
  5. Require that McLeod notify in writing all remaining ADT customers of the actual disconnection date; and
  6. Determine that no action is warranted as to the Department's suggestion that other carriers affected by ADT's relinquishment of authority are required to obtain prior Commission approval before disconnecting ADT.

The motion passed 4-0.

## ENERGY AGENDA

### **ET-6675/CN-12-1053**

#### **In the Matter of the Application of ITC Midwest LLC for a Certificate of Need for the Minnesota–Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties, Minnesota**

Commissioner Boyd moved to grant a variance to Minn. R. 7849.0200, subp. 6, to extend the 30-day timeline for Commission consideration of the requested exemptions for an unspecified but reasonable time.

The motion passed 4-0.

### **IP6830/CN-09-1110**

#### **In the Matter of the Application of Paynesville Wind, LLC for a Certificate of Need for the 95 MW Paynesville Wind Farm in Stearns County**

### **IP6830/WS-10-49**

#### **In the Matter of the Application of Paynesville Wind, LLC for a Large Wind Energy Conversion System Site Permit for the 95 MW Paynesville Wind Farm in Stearns County**

Commissioner Reha moved to take the following actions:

1. Determine that the change in timing from June 2011 to December 31, 2014, is acceptable without recertification.
2. Grant the amendments as requested by Paynesville Wind in its Petition,
  - a. incorporating EFP staff's permit language amendments in its November 9, 2012, Comments and Recommendations and
  - b. incorporating alternative permit language suggested by Commission staff in its briefing paper that addresses conflicts between EFP staff and permittee suggested language amendments.
3. Require Paynesville Wind to file a compliance document upon receipt of NHIS data from the DNR indicating whether the data has changed since the original NHIS data search was conducted.

The motion passed 4-0.

**E-015/TL-12-1123**

**In the Matter of the Application of Minnesota Power for a Route Permit for the 39 Line 115 kV High Voltage Transmission Line Project in St. Louis County**

Commissioner Reha moved to take the following actions:

1. Accept the application as complete;
2. Send the matter to the Office of Administrative Hearings (OAH) for a summary proceeding, requesting in the referral order that the OAH adapt the existing procedural framework set forth in Minn. R. 7850.3800 to incorporate the following items:
  - A. Request that the ALJ assigned to the matter emphasize the statutory time frame for the Commission to make final decisions on applications and strongly encourage the parties and participants to adhere to a schedule that allows the Commission to meet its statutory deadline for a decision on the Project;
  - B. Direct Commission staff to formally contact relevant state agencies to request their participation in the development of the record and public hearings under Minn. Stat. § 216E.10, subd. 3;
  - C. Request that the ALJ, parties, participants, and public address whether the proposed project meets the selection criteria established in Minn. Stat. § 216E.03, subd. 7, and Minn. R. ch. 7850;
  - D. Request that following the public hearing and prior to the end of the OAG public comment period, the EFP submit comments and recommendations on the application and the record to date, any modified or new permit conditions, and proposed findings of fact to the ALJ;
  - E. Request that the ALJ prepare a report setting forth findings, conclusions, and recommendations on the merits of the proposed transmission line project, applying the routing criteria set forth in statute and rule, and provide any comments on the language of the proposed permit.
3. Vary Minn. R. 7850.3700, subp. 3, and request that the EFP present draft route alternatives in order for the Commission to provide input to the Department of Commerce's Commissioner prior to the final scoping decision;
4. Appoint Tracy Smetana, of the Commission staff, as public advisor; and
5. Take no action on an advisory task force at this time.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: January 23, 2013**

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

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**Burl W. Haar, Executive Secretary**