

The Commission met on **Thursday, June 1, 2006**, with Chair Koppendraye, and Commissioners Johnson, Nickolai, Pugh and Reha present.

**Comment [COMMENT1]:** Minutes by Marcia Johnson. 7 motions were made.

The following matters were taken up by the Commission:

## **ENERGY**

### **E-017/CN-06-677**

#### **In the Matter of the Application of Otter Tail Power Company for a Certificate of Need for a High Voltage Transmission Line.**

Commissioner Pugh moved that the Commission vary Minnesota Rules, part 7849.0200, subp. 6 to extend the period for Commission action on the exemption request to an unspecified but reasonable period of time. The meeting to review the request is to be held as soon as practicable following receipt of the written comments.

The motion passed, 5-0.

### **E-002/M-00-1583**

#### **Request for Approval of a Renewable Development Fund Oversight Process: Update on Crown Hydro Grant Contract Amendment.**

Commissioner Johnson moved that the Commission approve the proposed Second Amendment to the RDF grant contract for the Crown Hydro project.

The motion passed, 5-0.

### **E-017/M-06-586**

#### **Petition for Re-Approval of a Released Energy Tariff.**

Commissioner Nickolai moved that the Commission approve the Company's petition with the requirement that revenues from any wholesale transactions flow through the FCA and with reporting requirements.

The motion passed, 5-0.

### **E-119,017/SA-06-665**

#### **In the Matter of the Petition of Otter Tail Corporation d/b/a Otter Tail Power Company to Serve Otter Tail Ag Enterprises.**

Commissioner Nickolai moved that the Commission refer the matter to the Office of Administrative Hearings for a contested case hearing, with recommendations within 120 days.

The motion passed, 5-0.

**E-017/S-06-219**

**In the Matter of the Petition of Otter Tail Power Company for Approval of its 2006 Capital Structure and Permission to Issue Securities.**

**E,G-001/S-06-208**

**In the Matter of Interstate Power and Light Company's Annual Capital Structure.**

Commission Nickolai moved that the Commission reconsider the above Orders issued April 27, 2006.

The motion passed, 5-0.

Commissioner Nickolai further moved that the Commission reaffirm the above Orders issued April 27, 2006; and, that the Commission open a new docket, seek comments on the statute and the rule from all affected parties as to the applicability of the new wording of the statute after revision in 1998, and the process being utilized by the Commission for its implementation and the process by which orders are issued.

The motion passed, 5-0.

**PT-6458/M-05-1122**

**In the Matter of American Cellular Corporation's Petition for Designation as an Eligible Telecommunications Carrier and Redefinition of Rural Telephone Company Service Area Requirement**

Commissioner Reha moved to clarify the following:

- 1) When the Commission designates wire centers as the appropriate geographical unit for analysis for the purpose of identifying the territory in which a petitioner can meet the qualifications to serve as an Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. § 214(e)(2),<sup>1</sup> the Commission designates each of the company's wire centers as a separate service area, not merely the wire centers that the petitioner seeks to serve.

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<sup>1</sup> See, for example, *In the Matter of an Investigation into the Merits of Disaggregating the Service Area of Frontier Communications of Minnesota, Inc.*, Docket No. P-405/CI-00-79, ORDER DETERMINING THAT FRONTIER'S SERVICE AREA SHOULD BE DISAGGREGATED (September 1, 2000); *In the Matter of the Petition of Midwest Wireless Communications, LLC, for Designation as an Eligible Telecommunications Carrier (ETC) Under 47 U.S.C. § 214(e)(2)*, Docket No. PT-6153/AM-02-68, ORDER GRANTING APPROVAL AND REQUIRING FURTHER FILING (March 19, 2003); *In the Matter of the Petition of WWC Holding Co., Inc. d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier and Redefinition of Rural Telephone Company Service Area Requirement*, Docket No. P-5695/M-04-226, ORDER APPROVING PETITION FOR ETC DESIGNATION (August 19, 2004).

- 2) The Commission's ORDER GRANTING ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION AND REDEFINING SERVICE AREA REQUIREMENT (February 3, 2006) granted American Cellular Corporation's petition for ETC designation, including designation within the 72 requested wire centers served by Citizens Telecommunications of Minnesota, Inc., Federated Telephone Cooperative, Loratel Systems, Inc., Melrose Telephone Co., Mid-State Telephone Co., Sprint-Minnesota, Inc., and Twin Valley-Ulen Telephone Co., Inc.

The motion passed 5-0.

**P-999/CI-05-1419**

**In the Matter of the Commission Inquiry Regarding Potential Proscribed Ex Parte Contacts Regarding Commissioner Scott**

The Commission heard oral argument from the parties and decided to reconvene for deliberations on the afternoon of Monday, June 5.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: JUNE 14, 2006**

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**Burl W. Haar, Executive Secretary**