

The Commission met on **Thursday, January 12, 2006**, Chaired by Commissioner Koppendrayer with Commissioners Johnson, Nickolai, Pugh and Reha present.

TELECOMMUNICATIONS AGENDA

P-421/CP-00-686

In the Matter of the Request for Service in Qwest's Tofte Exchange

Commissioner Pugh moved that the Commission

1. relieve Qwest of its obligation to proceed with construction of telephone facilities in these portions of the exchanges;
2. require Qwest to send a notice approved by Commission Staff; and
3. close the docket.

The motion passed 5-0.

P-430,5882/M-05-132

In the Matter of the 911 Plan for EN-TEL Communications, L.L.C.

Commissioner Nickolai moved that the Commission

1. dismiss the complaint;
2. provide the following clarification with respect to Sprint:

The Commission hereby clarifies the requirement of Minnesota Rule part 7812.0550, subpart 2, which states that a LEC shall provide a CLEC with the access to facilities and information necessary to enable the CLEC to meet its 911 services obligations. In the resold context, this Rule means that Sprint must sign the CLEC's 911 plan within 45 days after being presented with it by the CLEC. If Sprint believes that circumstances exist such that signing the plan would not be in compliance with state law or Commission policy, Sprint must then contact the appropriate 911 agencies within a reasonable time to state its concerns and reach resolution. An example where Sprint may have a valid reason to contact the 911 agencies is if the reseller presents Sprint with a 911 plan that does not match the template 911 plans most previously used by the 911 agencies.

3. do not seek to clarify the rule for all local exchange carriers.

The motion passed 5-0.

P-442/C-05-1842

In the Matter of the Complaint of PrairieWave Telecommunications, Inc. Against AT&T of the Midwest, Inc. Regarding Compensation for Access Services

Commissioner Pugh moved that the Commission

1. find that the Commission has jurisdiction over the Complaint and that there is reasonable basis for investigation;
2. find that AT&T has failed to pay the tariffed rate for a certain period of time up to filing its complaint regarding the tariffed rate (counterclaim);
3. direct AT&T to make a filing calculating the amount due pursuant to the tariffed rate up to the date it filed its counterclaim; and
4. refer AT&T's counterclaim to the Office of Administrative Hearings for a contested case hearing, requesting a report and recommendation from the Administrative Law Judge (ALJ) assigned to the case as soon as possible.

The motion passed, 4-1. Commissioner Nickolai voted no.

PT-6438/C-05-1943

In the Matter of the Formal Complaint of MIEAC, Inc. Against MCI, Inc. Requesting Permission to Discontinue Service and an Order Requiring Payment of Tariff Arrearages

Commissioner Pugh moved that the Commission

1. accept the complaint as meeting the filing requirements;
2. find that it has jurisdiction over this matter;
3. find that there are reasonable grounds to investigate this matter;
4. serve the complaint on MCI and order MCI to file an answer to the complaint within 20 days of service date of the Commission order pursuant to Minn. Rules 7829.1800, subps. 2 and 4; and
5. grant variances to the comment timing requirements of Minn. Rules 7829.1900, subps. 2, 4 and 5 to allow interested parties to submit comments within 10 days of the receipt of MCI's Answer.

The motion passed, 5-0.

ENERGY AGENDA

G-008/AI-05-1815

In the Matter of a Petition by CenterPoint Energy, a Division of CenterPoint Energy Resources Corporation, for Approval of an Affiliated Interest Agreement Between CenterPoint Energy and CenterPoint Energy Services, Inc.

Commissioner Pugh moved that the Commission

1. approve the proposed affiliated-interest Agreement as filed by CenterPoint Energy (CPE or the Company) pursuant to Minn. Stat. § 216B.48;
2. find that CPE filed for approval of its Agreement with CEG within the 30-day timeframe required in Docket No. E,G-999/CI-98-651; and
3. pursuant to the Commission's Order in Docket No. G-008/AI-97-1268, continue to require the Company to separately identify its purchases from CESI under the proposed Agreement in its monthly PGA reports.

The motion passed, 5-0.

G-007/D-05-939

In the Matter of a Request From Aquila, Inc. d/b/a Aquila Networks-Northern Minnesota Utilities for Approval of Remaining Lives and Depreciation Rates Resulting From the 2005 Depreciation Study

G-011/D-05-940

In the Matter of a Request From Aquila, Inc. d/b/a Aquila Networks-Peoples Natural Gas for Approval of Remaining Lives and Depreciation Rates Resulting From the 2005 Depreciation Study

Commissioner Johnson moved that the Commission approve the remaining lives as adjusted, existing salvage rates and resulting depreciation rates as shown in the December 23, 2005 Department schedules for Aquila Networks - PNG and NMU effective January 1, 2005.

The motion passed, 5-0.

PL-5/CN-06-02

In the Matter of the Application of Minnesota Pipe Line Company for a Certificate of Need for a Large Petroleum Pipeline

Commissioner Pugh moved that the Commission vary Minn. Rules, part 7853.0200, subd. 7 to extend the period for Commission action on completeness of the MPLC application for an unspecified but reasonable period of time, with the understanding that the meeting to review the request would be held as soon as practicable following receipt of the written comments

The motion passed, 5-0.

E-274,141/SA-05-1804

In the Matter of a Joint Petition by Melrose Public Utilities and Stearns Electric Association for Approval of Their Agreement to Change Their Service Territory Boundaries

Commissioner Johnson moved that the Commission approve the petition.

The motion passed, 5-0.

E-001,140/SA-05-1458

In te Matter of the Joint Petition and Agreement for Modification of the Electric Service Territory Between Interstate Power and Light Company and Sioux Valley Electric Cooperative d/b/a Sioux Valley Energy

Commissioner Reha moved that the Commission reconsider and accept the written comments of Jonathon Fick.

The motion passed, 5-0.

Commissioner Reha moved that the Commission do not change the Commission's October 21, 2005 Order approving the service area transfer.

The motion passed, 5-0.

E-002/M-05-1570

In the Matter of a Petition by Northern States Power Company d/b/a Xcel Energy for Approval of its Renewable Development Fund Tracker Account Report and True-up and 2006 Rate Rider Factor

Commissioner Reha moved that the Commission

1. approve an RDF rate rider factor of \$0.000794/kWh for 2006 (to be in place until the Commission approves a new rate level for the rider), to accept Xcel's compliance filing included with the tracker report, and to require Xcel to file a revised and corrected tracker report and tariff sheets within 30 days of the Commission Order in this matter;
2. indicate to Xcel that the Commission understands that the remaining payment milestones under the Crown Hydro grant contract are all construction related and cannot proceed without site control and before all needed permits are approved; and
3. require Xcel to work with the Commission's Consumer Affairs Office (CAO) to finalize the wording of the customer notice on bills describing the change in the RDF rate rider adjustment.

The motion passed, 5-0.

ORAL ARGUMENT ITEM

E-001/PA-05-1272

In the Matter of a Joint Application by Interstate Power and Light Company and FPL Energy Duane Arnold, LLC for Approval and Consent

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: JANUARY 25, 2006

Burl W. Haar, Executive Secretary