

The Commission met on **Thursday, February 2, 2006**, with Chair Koppendrayer and Commissioners Johnson, Nickolai, Pugh, and Reha present.

Comment [COMMENT1]: Minutes by Carol Casebolt. 7 motions were made.

The following matters were taken up by the Commission.

P-5708/M-05-1810

In the Matter of a Petition by WiTel Communications, LLC to Disconnect Christian Media Technologies d/b/a OneChristianVoice

Commissioner Pugh moved to grant the petition.

The motion passed 5-0.

P-5733,421/IC-06-49

In the Matter of Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, As Amended by the Telecommunications Act of 1996, and the Applicable State Laws For Rates, Terms, and Conditions of Interconnection with Qwest Corporation

Commissioner Pugh moved to assign the matter to the Office of Administrative Hearings for arbitration.

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 Crude Oil Pipeline

Commissioner Nickolai moved that the Commission

1. require the Company to work with Department and Commission staff to develop a landowner notification letter, including the date, time, and place of the prehearing conference to the extent possible (to the extent it is known) at the timer the notification letter is issued);
2. grant a variance to the definition of Mbpd-mile (a descriptive unit used as a measure of the size of a pipeline) contained in Minn. Rules 7853.0010;
3. accept the application as substantially complete as submitted on January 3, 2006 and refer the docket to the Office of Administrative Hearings to hold a contested case proceeding (which would allow the Commission and the assigned administrative law judge to schedule a prehearing conference as soon as possible);

4. request that public hearings be scheduled in such a way that landowners and other affected (non-party) members of the public are allowed to address both need and routing issues;
5. vary the 80-day requirement in Minn. Rules, Part 7853.0200, Subp. 5, using the three-part test in Minn. Rules, Part 7829.3200, to ensure that the parties and the administrative law judge have sufficiently flexibility in setting a hearing schedule to ensure due process;
6. to ensure the efficient and thorough processing of the application, include in the order (or one the orders) coming out of this meeting the following:
 - notice of a prehearing conference (with a specified date, time, and location to be determined by the Administrative Law Judge and Commission staff);
 - the name and telephone number of the Commission employee (Ken Wolfe at 651-201-2257) designated to facilitate citizen participation in the process;
 - a request that the Department of Commerce continue to study the issues and indicate during the hearing process its position on the reasonableness of granting a certificate of need to the Company;
 - a requirement that the applicant facilitate in every reasonable way the continued examination of the issues by the Department of Commerce;
 - a request that the applicant place the application and any required supplement on a website so that it can be accessed electronically (if it has not already done so);
 - a directive that Commission staff work with the Administrative Law Judge in selecting suitable locations for the public and evidentiary hearings on the application; and
 - a directive that the applicant provide notice of the public and evidentiary hearings in newspapers of general circulation at least ten days prior to the start of the hearings, that such notice be in the form of visible display ads, that the applicant obtain proofs of publication of such ads from the newspapers selected, and that the applicant consult with Commission staff on the timing, text, and distribution of such ads prior to publication.

The motion passed, 5-0.

Commissioner Nickolai moved that the Commission issue a notice soliciting comments on why the notice requirements applying to high voltage transmission lines (HVTL) should not be incorporated into the rules regarding pipeline facilities.

The motion passed, 5-0.

PL5/PPL-05-2003

In the Matter of the Application to the Minnesota Public Utilities Commission for a Pipeline Routing Permit for a Crude Oil Pipeline and Associated Aboveground Facilities

Commissioner Reha moved that the Commission

1. accept the application of Minnesota Pipe Line Company for a pipeline routing permit under the full permitting process for the proposed 295-mile, 24-inch outside diameter crude petroleum pipeline proposed for the MinnCan Project;
2. authorize the Department to name a public advisor for the project;
3. approve the proposed Department budget;
4. authorize the Department to implement enhanced public participation opportunities in lieu of an advisory committee;
5. vary the 70 day requirement in Minn. Rules, Part 4415.0075 so that alternative route proposals may be submitted to the Commission up to 100 days after Commission Order accepting the applicant's permit application; and
6. refer the matter to the Office of Administrative Hearings for proceedings pursuant to Minn. Rules, Chapter 1405.

The motion passed, 5-0.

E-999/CI-04-1616

In the Matter of a Commission Investigation into a Multi-state Tracking and Trading System for Renewable Energy Credits

Commissioner Nickolai moved to accept the January 27, 2006 report and recommendations of the MRETS Technical Committee and to request continued quarterly updates.

The motion passed 5-0.

E,G-999/AA-05-1403

In the Matter of the Review of the 2005 Annual Automatic Adjustment of Charges for All Electric and Gas Utilities

Commissioner Nickolai moved that the Commission take the actions set forth below on the gas utilities' annual automatic adjustment reports:

1. Accept all of the gas utilities' except CenterPoint Energy's FYE 2005 annual reports as filed, and subsequently amended, as being complete as to Minnesota Rules 7825.2390 through 7825.2920.
2. Require all gas utilities to provide a specific justification for each piece of information for which the designation of trade secret is claimed in their annual reports and true-up filings. All companies shall limit the designation of trade secret to words, numbers, or phrases that are actually trade secret and not designate entire paragraphs or pages which contain the trade secret words, numbers, or phrases.
3. Request the Department to include the same Commission-requested information in its fiscal year 2006 Review as was included in its fiscal year 2005 Review
4. Request the Department to continue its investigation of the amount of pipeline capacity release revenue the gas utilities receive from the pipelines and the amount of revenue the gas utilities refund to their customers.
5. Request the Department to continue providing a comparative evaluation and report on the natural gas utilities' financial and physical hedging activities in its 2006 Review.
6. Greater Minnesota Gas, Inc.
 - a. accept Greater Minnesota's true-up, in docket G-022/AA-05-1421, and
 - b. allow Greater Minnesota to implement its true-up as shown in attachment G5 of the Department's December 12, 2005 review.
7. Great Plains Natural Gas Company
 - Accept Great Plains' true-up filings for its North and South districts, in docket G-004/AA-05-1447, and its December 27, 2005 response to the Department's questions.
8. Interstate Power & Light-Gas
 - a. accept Interstate's true-up, in docket G-001/AA-05-1420, and
 - b. allow Interstate to implement its true-up as shown in attachment G7 of the Department's December 12, 2005 review.
9. Aquila-Peoples-Minnesota
 - a. accept Peoples' true-ups for its Northern, Great Lakes, and Viking systems, in docket G-011/AA-05-1417,

- b. allow Peoples to implement its true-ups, as shown in attachment G8 of the Department's December 12, 2005 review, and
 - c. accept Peoples explanation of its five-month, fixed-price gas purchases for its Northern system and what measures it will take to mitigate high gas costs in the future.
10. Aquila-NMU
- a. accept NMU's true-up, in docket G-007/AA-05-1418,
 - b. allow NMU to implement its true-up, as shown in attachment G9 of the Department's December 12, 2005 review, and
 - c. require NMU to make a compliance filing, in which NMU will provide the details and ratepayer impacts of any differences between sales volumes and purchase volumes attributable to metering and billing issues with Northern Natural Gas Company (NNG), within 10 days of any resolution of these differences with NNG.
11. CenterPoint Energy
- take no action on CenterPoint Energy's annual reports and true-up filing until CenterPoint Energy refiles corrected annual reports and true-ups.
12. Xcel Energy-Gas
- take no action on Xcel's annual true-up filing until after the Department reviews Xcel's January 13, 2006 reply comments.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: FEBRUARY 15, 2006

Burl W. Haar, Executive Secretary