

The Commission met on **Thursday, July 6, 2006**, with Acting Chair Reha and Commissioners Johnson and Pugh present.

The following matters were taken up by the Commission:

TELECOMMUNICATIONS

P-5496/C-06-498

In the Matter of the DOC's Formal Complaint and Request for Commission Action

Commissioner Pugh moved to do the following:

1. Accept the complaint by the Minnesota Department of Commerce (DOC or the Department) as meeting the filing requirements for a complaint.
2. Find that the Commission has jurisdiction over the matter.
3. Find that the Commission has reasonable grounds to investigate the matter.
4. Serve a copy of the complaint on TCG Minnesota, Inc. (TCG), and order TCG to file an answer to the complaint within 20 days of the Commission's Order pursuant to Minnesota Rules part 7829.1800, subparts 2 and 4.
5. Allow interested parties to submit initial comments within 30 days of the Commission's Order pursuant to Minnesota Rules part 7829.1900, subparts 2, 4 and 5.
6. Allow interested parties that submitted initial comments to submit reply comments within 10 days of the end of the initial comment period pursuant to Minnesota Rules part 7829.1900, subparts 3, 4 and 5.

The motion passed 3-0.

P-421/C-05-721

In the Matter of the Complaint of Level 3 Communications, LLC (Level 3) Against Qwest Corporation (Qwest) Regarding Compensation for ISP-Bound Traffic

Commissioner Johnson moved to reconsider the Commission's ORDER ADOPTING RECOMMENDATIONS AND REMANDING FOR FURTHER PROCEEDINGS (May 8, 2006).

The motion passed 3-0.

Acting Chair Reha moved to address the question of when the proposed amendment to the parties'

interconnection agreement would take effect by referring it to the Office of Administrative Hearings to be developed in the ongoing contested case proceeding in this docket.

The motion passed 3-0.

ENERGY

E-002/CN-06-154

In the Matter of the Application for Certificates of Need for Three 115 kV Transmission Lines in Southwestern Minnesota

Commissioner Johnson moved to do the following:

7. Approve the requests of Northern States Power Company d/b/a Xcel Energy (Xcel) to be exempt from certain filing requirements for a Certificate of Need application.
8. Accept Xcel's pledge to provide additional information to the extent that it is available as suggested in the comments of the Department and of Wind on the Wires.

The motion passed 3-0.

E-6472/GS-06-668

In the Matter of the Combined Application for a Site Permit, a Transmission Line Route Permit and a Natural Gas Pipeline Routing Permit for the Mesaba Energy Project

Commissioner Johnson moved to do the following:

9. Accept the Joint Permit Application submitted by Excelsior Energy for the Mesaba Energy project, including the request for a LEPPG Site Permit, a High Voltage Transmission Line (HVTL) Route Permit and a Pipeline (Partial Exemption) Route Permit.
10. Clarify that accepting the Joint Permit Application marks the start date for the one year process and allows the Department's Energy Facility Permitting Staff and the Applicants to initiate the actions required by Minnesota Rules parts 4400.1035 to 4400.1900 and Minnesota Rules Chapter 4415, including providing project descriptions to landowners, publishing notice of information meetings, and initiating the scoping and environmental impact statement (EIS) process required under the rules.

The motion passed 3-0.

Commissioner Pugh moved to authorize the Department to name a public advisor for the project.

The motion passed 3-0.

Commissioner Pugh moved to authorize the establishment of a citizen advisory task force composed of 15 members, seven of whom should be private citizens, representatives of environmental groups and other stakeholders who are not government officials, and to authorize Department staff to develop and implement a proposed structure and charge for the task force.

The motion passed 3-0.

Commissioner Johnson moved to approve the dissemination of electronic copies (compact discs/CDs) of the Joint Permit Application to affected landowners of the proposed pipeline route in lieu of paper copies, with the understanding that paper copies would be provided to any landowner that requested such and that the Applicants would submit for Commission staff review a cover letter to affected landowners that the Applicants propose to accompany the CDs.

The motion passed 3-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: AUGUST 16, 2006

Burl W. Haar, Executive Secretary