

The Commission met on **Thursday, June 9, 2005**, with Chair Koppendray 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-6441, 5426/PA-05-459

In the Matter of the Joint Petition for Approval to Transfer Control of Assets Between KMC Telecom III LLC and CenturyTel Acquisition LLC

Commissioner Pugh moved to grant the petitions with the conditions recommended in the comments filed by the Department of Commerce on May 12, 2005.

The motion passed 5-0.

P-6039, 421/IC-05-420

In the Matter of KMC Data LLC's Notice of Election to Adopt Interconnection Agreement

Commissioner Nickolai moved to dismiss the request and close the case.

The motion passed 5-0.

P-6089/RV-05-664

In the Matter of the Petition to Revoke the Certificate of Authority Held by Kiger Telephone & Telephony, LLC

Commissioner Johnson moved to revoke the certificate of authority and to hold the company responsible for any unpaid regulatory assessments or fees.

The motion passed 5-0.

P-999/CI-03-960

In the Matter of a Commission Investigation into the FCC Triennial Review Order's National Presumptive Finding of No Impairment for Local Switching on High Capacity Loops Available to Business Customers

Commissioner Reha moved to keep the docket open and to require follow-up reports from Qwest and other interested persons no later than one year from the date of the Order, and earlier if warranted by developments.

P-999/CI-05-624

In the Matter of DOC/TAM's FY 2006 Proposed Budget and Surcharge Recommendation

Commissioner Johnson moved to –

- approve the proposed Fiscal Year 2006 budget for the Telecommunications Access Minnesota program (TAM) administered by the Minnesota Department of Commerce (DOC),

- approve DOC/TAM's proposal to decrease the surcharge from \$0.10 to \$0.07 per month,
- approve DOC/TAM's alternative proposal to implement the surcharge reduction effective July 6, 2005, to make it concurrent with any change in the 911 surcharge, and
- direct local exchange carriers to file revised tariffs reflecting any change in the surcharge within 30 days of this Order.

The motion passed 5-0.

E-114, 253/SA-05-237

In the Matter of the Agreement for Confirmation and Realignment of Electric Service Territory Between the City of Jackson and Federated Rural Electric Association

Commissioner Reha moved to accept the agreement.

The motion passed 5-0.

E-002.M-03-1883

In the Matter of the Request of Northern States Power Company d/b/a Xcel Energy for Approval of Selected Projects for the Second Funding Cycle of the Renewable Development Fund

Commissioner Reha moved to take the following actions:

5. Approve the grant contract between Xcel and Excelsior with the following conditions and modifications:
 - A. Limit grant payments to \$2,000,000 per calendar year, beginning in calendar year 2005, without limiting reimbursement for expenses incurred before the calendar year in which they are paid.
 - B. Require Xcel to notify the Commission in writing if Excelsior assigns the agreement, in whole or in part, to an affiliate.
 - C. Require Xcel to notify the Commission if any of the events defining cause for termination in Section 10 occur or appear imminent.
 - D. Require Xcel to provide the Commission and the Department with the following informational filings:
 1. a copy of all reports and updates that Excelsior provides to Xcel, under Section 4(C) of the grant contract, including reports requested by Xcel under 4(C).
 2. a copy of each of the quarterly reports Excelsior provides to Xcel under Section 4(F) of the grant contract.
 3. on a quarterly basis, and based on the information provided by Excelsior in Section 3(A) of the grant contract, the dollar amounts paid to Excelsior by

category of Permitted Expense, with a brief description of why the paid expenses comply with Permitted Expenses.

2. Require Xcel to allocate costs associated with the Excelsior grant contract system-wide.

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

**ET-6131, ET-2, ET-6130, E-252, ET-10, ET-6444, E-107, ET-9/CN-05-619
In the Matter of the Application of Otter Tail Power Company and Others for High-Voltage
Transmission Facilities in Western Minnesota**

Commissioner Nickolai moved to take the following actions:

1. Accept the Applicants' Notice Plan as amended in their reply comments (including the use of paper larger than 8 ½" by 11" for maps) and as further amended in response to discussions between all parties at hearing.
2. Delegate to the Executive Secretary the authority to approve final notice language reflecting the comments at hearing of John and Laura Reinhardt.
3. Require the Applicants to provide a final copy of the notice and proof that the plan has been carried out, including proof of service, as soon as reasonably possible.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: JUNE 22, 2005

Burl W. Haar, Executive Secretary