

The Commission met on **Thursday, May 31, 2007**, with Chair Koppendrayer and Commissioners Reha, Johnson and Pugh present.

Comment [COMMENT1]: Minutes by Marcia Johnson and Peter Brown. 6 motions were made.

The following matters were taken up by the Commission:

ENERGY AGENDA

E-125, 272/SA-07-443

In the Matter of the City of Marshall to Extend Its Assigned Service Area into the Area Presently Assigned to Lyon-Lincoln Electric Cooperative Inc., Under the Terms and Conditions of the Settlement Agreement in Docket No. E-125, 272/SA-04-469

Commissioner Johnson moved that the Commission approve the petition.

The motion passed, 4 - 0.

E-001/M-07-82

In the Matter of a Request by Interstate Power and Light Company for Waiver or Variance Regarding Ratemaking Treatment of SO₂ Allowances

Commissioner Johnson moved that the Commission approve the requested variance with the following conditions:

- 1) It is IPL's responsibility to determine whether a FERC filing is required for purposes of this specific issue for emission allowance accounting;
- 2) The total brokering fees of \$72,096 (Minnesota portion of \$3,706) shall be allowed since they are small in nature, a direct cost to incur the gain, and because IPL is returning all of the gain to customers net of the brokering fees;
- 3) Approved I:L's proposal to flow back the net gain on sale of \$1,485,958 through ECA and the future \$33,511,106 in emission allowances be valued at a zero basis for ratemaking purposes;
- 4) Approval is conditioned as a one-time waiver and should not be considered a policy decision, since the facts in this case pertain only to IPL's instant petition;
- 5) Approved the \$76,378 refund for Minnesota customers through the FCA;
- 6) In the future, the Company shall continue its practice of making a filing to allow for an appropriate review, before automatically returning the net effect of purchases and sales of emission credits to ratepayers through the ECA.

The motion passed, 4 - 0.

E-002/RP-04-1752

In the Matter of Northern States Power Company d/b/a Xcel Energy's Application for Approval of its 2005-2019 Resource Plan

Commissioner Reha moved that the Commission:

- 1) Grant Xcel's request to file its next resource plan no later than March 3, 2008;
- 2) Require Xcel, in the event that it decides to seek an additional extension, to file its request no later than November 30, 2007;
- 3) Accept Xcel's commitment to file the nuclear reports required under Minn. Stat. § 216C.051 on or before July 1, 2007;
- 4) Encourage Xcel to work with the Legislature, Ms. Eide-Tollafson, and other stakeholders to make the nuclear updates more useful, informative and meaningful;
- 5) Encourage Xcel to work with the Chamber of Commerce in advance of the Company's next resource plan to determine whether there is additional information that might be meaningful to the members of the Chamber; and
- 6) Deny the Chamber of Commerce's request for additional filing requirements.

The motion passed, 4 - 0.

TELECOMMUNICATIONS AGENDA

P-430, 5321/M-07-611

In the Matter of the Petition of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for Arbitration of an Interconnection Agreement with Embarq Minnesota, Inc., Pursuant to 47 U.S.C. § 252(b)

Commissioner Pugh moved that the Commission:

- 1) Grant Verizon's petition for arbitration;
- 2) Refer the matter to the Office of Administrative Hearings for hearing by one or more administrative law judges; and
- 3) Request that the ALJ conduct the arbitration with deference to the Commission's Rules, Part 7812.1700.

The motion passed, 4 - 0.

P-5340, 421/IC-06-768

In the Matter of the Petition of Eschelon Telecom, Inc. (Echelon) for Arbitration of an Interconnection Agreement with West Corporation Pursuant to 47 U.S. C. § 252(b)

Commissioner Koppendrayer moved that the Commission deny the petition for reconsideration.

The motion passed, 4 - 0.

P-421/CI-07-661

In the Matter of the Minnesota Public Utilities Commission's Inquiry Regarding the Petition of West Corporation, Filed with the Federal Communications Commission, for Forbearance Pursuant to 47 U.S.C. Section 160^o in the Minneapolis-St. Paul Minnesota Metropolitan Statistical Area

Commissioner Pugh moved that the Commission:

- 1) Initiate a Comment Period in this docket to be conducted in the nature of an expedited proceeding pursuant to Minn. Stat. § 237.61, which states in pertinent part:
In an expedited proceeding, the commission shall give prior notice to interested persons and provide them with an opportunity to present statements of fact and argument and to reply, either orally or in writing or both. In an expedited proceeding, the pleadings must be verified, and oral statements of fact must be made under oath or affirmation.
- 2) Issue a NOTICE OF COMMENT PERIOD requesting interested persons to file comments and reply comments on issues identified by Commission staff, requesting that parties file all documents and materials filed with the FCC regarding West's Petition for Forbearance Pursuant to 47 U.S.C. Section 160^o, and setting dates for initial and reply comments;
- 3) Set comment and reply comment dates in the NOTICE that will allow the Commission to review the record in time to file comments with the Federal Communications Commission (FCC) regarding West's Petition for Forbearance Pursuant to 47 U.S.C Section 160^o if, upon review of the record, the Commission decides to do so;
- 4) Authorize the Executive Secretary to adjust the dates set in the NOTICE for initial comments and reply comments.

The motion passed, 4 - 0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: JUNE 13, 2007

Burl W. Haar, Executive Secretary