

The Commission met on **Tuesday, May 24, 2005**, with Chair Koppendrayer and Commissioners Johnson, Pugh, and Reha present.

Comment [COMMENT1]: Minutes by Carol Casebolt. 6 motions were made.

The following matters were taken up by the Commission.

P-442, 5798, 5340,, 5826, 5025, 5643, 443, 5323, 5668, 4661/C-04-235
In the Matter of Negotiated Contracts for Switched Access Services

Commissioner Reha moved that the Commission

- Approve the Stipulation and dismiss the Complaint against parties who signed the Stipulation.
- Dismiss the Complaint against AT&T as an IXC regarding payment of untariffed charges.
- Deem allegations made by the Department in its April 25, 2005 comments charging AT&T with violating Minn. Stat. § 237.07, Minn. Stat. § 237.09, and Minn. Rules pts. 7812.2210, subd. 5 to be a complaint and to allow AT&T 20 days to file comments addressing the Department's complaint.

The motion passed 4-0.

BLOCK MOTION

Commissioner Pugh moved to take the following actions on the following dockets:

P-6400/M-04-1692
In the Matter of the Petition of VCI Company d/b/a Vilaire Communications for Designation as an Eligible Telecommunications Carrier

- Find that VCI Company (VCI) has made a credible showing of the intent and capability of providing and advertising the nine services supported by the federal universal service fund throughout its requested service area, conditioned upon its submission – and Commission approval of – a 911 plan and interconnection agreement.
- Find that designation of VCI as an eligible telecommunications carrier (ETC) is in the public interest, and approve VCI as an ETC for the purpose of receiving support from the federal universal service fund throughout its proposed service area, conditioned upon Commission approval of VCI's 911 plan.

P-5767/RV-04-1806

In the Matter of the Revocation of Intelcom, Inc.'s Certificate of Authority

- Revoke the Certificate of Authority to provide long-distance service of Intelcom, Inc., while leaving the carrier responsible for any unpaid regulatory assessments or fees.

The motion passed 4-0.

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 Pugh moved to –

- find that the complaint lies within the Commission's jurisdiction and that there is a reasonable basis for investigation,
- deny Level 3's petition for temporary relief, and
- refer the matter to the Minnesota Office of Administrative Hearings for record development by an Administrative Law Judge.

The motion passed 4-0.

E-015/M-05-548

In the Matter of a Petition for Approval of a Franchise Fee Rider for Retail Electric Customers in the City of Aurora, Minnesota

Commissioner Reha moved to grant the Company's request for a franchise fee rider effective June 1, 2005.

The motion passed 4-0.

BLOCK MOTION

Commissioner Reha moved to take the following actions on the following dockets:

E-275, 134/SA-04-1795

In the Matter of the City of Moorhead's Petition to Extend its Service Area into the Area Presently Served by Red River Valley Cooperative Power Association under the Terms and Conditions of Settlement Agreement in Docket No. E-275, 134/SA-02-1207

- Grant the petition.

E-274, 141/SA-04-1979

In the Matter of the Transfer of Service Territory Under Pre-existing Service Territory Agreement Between the City of Melrose and Stearns Cooperative Electric Association

- Grant the petition.
- Change the assigned service area boundaries under Minn. Stat. § 216B.44.

E-231, 134/SA-04-1551

In the Matter of the Joint Petition for Electric Service Territory Transfer Between the City of East Grand Forks and Red River Valley Cooperative Power Association under the Terms and Conditions of Settlement Agreement in Docket No. E-134, 231/SA-92-1283

- Grant the petition.
- Change the assigned service area boundaries under Minn. Stat. § 216B.44.

E-229, 017/SA-05-522

In the Matter of the Joint Petition by Otter Tail Corporation d/b/a Otter Tail Power Company, Detroit Lakes Public Utilities Commission, and the City of Detroit Lakes for Modification of Assigned Service Areas

- Give pre-hearing notice to interested persons.

E-115, 155/SA-05-557

In the Matter of Petition by Freeborn-Mower Cooperative Services to Change Official Boundary Line

- Give pre-hearing notice to interested persons.

The motion carried 4-0.

E-002/C-05-274

In the Matter of Shapco Printing, Inc.'s Formal Complaint and Petition for Variance to Minn. Rules, Part 7820.3800, Billing Errors

Chair Koppendrayer stated that action on this docket would be deferred until further filings are submitted.

E-103/C-02-105

In the Matter of the Complaint of Energy CENTS Coalition Against Beltrami Electric Cooperative

Chair Koppendrayer moved to accept Beltrami Electric Cooperative's February 25, 2005 and April 8, 2005 filings, with two modifications:

- Require Beltrami to republish the article on memberships and deposits, billing procedures, and disconnections in its next issue of *Northern Lights*, deleting the sentence suggesting that a member must initiate a payment plan to maintain service.
- Require Beltrami to give its members notice in the fall of its after-hours service limiter removal policy.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: JUNE 1, 2005

Burl W. Haar, Executive Secretary