

The Commission met on **Thursday, February 13, 2003**, with Chair Koppendrayer and Commissioners Gavin, Johnson, Reha and Scott present.

Comment [COMMENT1]: Minutes by Ann Pollack and Eric Witte. 4 motions were made.

The following items were taken up by the Commission:

ENERGY AGENDA

G-008/AI-02-1572

In the Matter of a Petition from Reliant Energy Minnegasco (REM) for Approval of an Affiliated Interest Agreement Between REM and Reliant Energy Services, Inc. (RES)

Commissioner Scott moved to –

1. approve the proposed affiliated interest agreement,
2. require REM to separately identify its purchases from RES under the proposed agreement in its monthly purchased gas adjustment reports and the annual accounting adjustment reports, and
3. require REM to make quarterly compliance filings (due 30 days after end of quarter) through June 30, 2005 whenever REM enters into a natural gas supply agreement with one of its former affiliates, and to include REM's bid solicitation and selection information used to select the most economic natural gas contract.

The motion passed 5-0.

E-001/M-02-2124

In the Matter of a Petition by Alliant Energy d/b/a Interstate Power and Light Company for Approval of a Non-Residential Second Nature Renewable Energy Rider

Commissioner Reha moved to approve the petition as agreed to by the parties, which includes the following modifications:

1. Alliant Energy (Alliant) shall notify, on an annual basis, those customers whose contributions to the non-residential Second Nature program exceed their energy usage on the Alliant system, and
2. Alliant shall include the costs and revenues of the non-residential program in the report Alliant will provide to the Commission on this program.

The motion passed 5-0.

ET-3,E-002/CN-02-2052

In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy and Dairyland Power Cooperative for a Certificate of Need for a High Voltage Transmission Line

Commissioners Gavin and Reha recused themselves and left the meeting.

Commissioner Scott moved to do the following:

1. Decline to require Northern States Power Company d/b/a Xcel Energy (NSP) and Dairyland Power Cooperative (Dairyland) (collectively, the applicants) to provide further notice of their request for exemption from Minnesota Rules part 7849.0270, subparts 2.B. and C.
2. Require the applicants to file the information on demand and annual energy consumption for the applicants' service areas and systems as set out in part 7849.0270.
3. Require the applicants to file information on demand and energy consumption data as set out in part 7849.0270 by load center and substation to the best of their abilities. The applicants shall include information that already exists. For NSP, this includes data compiled for the Mid-Continent Area Power Pool; for Dairyland, this includes data compiled for the Rural Utilities Service.
4. Require the applicants to provide estimates when they can reasonable be made based on existing information. For any category for which an estimate cannot reasonably be made, the applicants shall explain why not.
5. Grant the Minnesota Environmental Quality Board's request to –
 - direct the applicants to explain why they do not maintain the information required by Commission rules for each consumer category,
 - find that granting of an exemption does not preclude any person from recommending, or the Commission from requiring, the submission of additional information before finding the application as substantially complete,
 - find that eventual acceptance of an application as substantially complete, with our without additional information, does not preclude the development of additional information through discovery.
6. Require the applicants to publish notice of the public and evidentiary hearings in this case at least ten days in advance, using display advertisements in newspapers of general circulation. Applicants shall consult beforehand with Commission staff as to the timing, text, and distribution of these advertisements and shall obtain proof of publication.
7. Require the applicants to use best efforts to provide direct mail notice of this

application and of the times, dates, and places of hearings on this application to landowners, residents, and local and tribal governments in the corridor of potential routes indicated in its application. This notice is to include a map of the proposed transmission route, and other content from the Commission's proposed rules on biennial transmission projects reports, Part 7848.1900, subp. 4 as published in the January 21, 2003 *State Register* (revised as necessary to reflect that this is a certificate of need filing rather than a biennial transmission plan filing). The applicants shall work with the Commission's staff to develop appropriate notice language. The Executive Secretary is authorized to approve the notices.

The motion passed 3-0.

The Commission recessed until 1:30 p.m.

TELECOMMUNICATIONS AGENDA

The Commission reconvened with all Commissioners present.

PT-6153/AM-02-686

In the Matter of the Petition of Midwest Wireless Communications, LLC for Designation as an Eligible Telecommunications Carrier (ETC) Under 40 U.S.C. § 214(e)(2)

Commissioner Gavin moved to –

1. adopt the recommendation of the administrative law judge (ALJ) to require Midwest Wireless Communications, LLC (MWC) to submit the following information in a compliance filing for Commission approval:
 - information typically gathered from ETCs in the annual certifications,
 - information on rates, terms and conditions applicable to the Basic Universal Service offering (BUS), including customer premise equipment options and charges,
 - an advertising plan, and
 - MWC's proposed customer service agreement
2. adopt the recommendation of the Department of Commerce (the Department) to require MWC to include in its compliance filing –
 - a tariff with terms and rates for the BUS, with Lifeline and Link-Up and other services which may be added to a universal service offering,
 - a customer service agreement with customer service and dispute resolution policies, network maintenance with procedures for resolving service interruptions and any customer remedies, billing and payment and deposit policies,
3. require MWC to include in its compliance filing a list of MWC's federal obligations regarding this service area, and

4. adopt the rest of the ALJ's recommendations conditioned upon Commission review and approval of MWC's compliance filing.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION

Approval Date:

June 11 , 2003

Burl W. Haar
Executive Secretary