

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer	Chair
Marshall Johnson	Commissioner
Ken Nickolai	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of Minnesota Power's Petition for
Review of an Agreement Between Minnesota
Power and American Transmission Company

ISSUE DATE: August 16, 2005

DOCKET NO. E-015/PA-04-2020

ORDER GRANTING RECONSIDERATION
AND DEFERRING ACTION ON THE
MERITS

PROCEDURAL HISTORY

On June 1, 2005, the Commission issued an Order asserting jurisdiction over the transaction between Minnesota Power and the American Transmission Company that is the subject of this proceeding.¹ That Order also found the record inadequate for determining whether the transaction should be approved and required further fact-finding.

On June 21, 2005, Minnesota Power filed an application for rehearing under Minn. Stat. § 216B.27, explaining that its goal was to preserve its appeal rights on the jurisdictional issue and urging the Commission to defer action on the merits of the petition until the conclusion of the proceeding.

On July 20, 2005, the North American Water Office and Save Our Unique Lands filed comments urging the Commission to retain jurisdiction over the proceeding.

On August 11, 2005, the petition came before the Commission. At that time the Residential and Small Business Utilities Division of the Office of the Attorney General appeared and also urged the Commission to retain jurisdiction.

FINDINGS AND CONCLUSIONS

Under Minn. Stat. § 216B.27, subd. 4, any petition for rehearing not granted within 60 days of filing is deemed denied and any appeal period on the Order at issue begins to run. The Commission concurs with the Company that it would serve the interests of administrative and judicial economy to limit any potential appeals in this case to a single proceeding. The Commission will therefore grant the Company's petition for rehearing and defer examining

¹ Order Asserting Jurisdiction and Requiring Further Fact-Finding, this docket.

the merits of the petition until the conclusion of this proceeding.

The Commission will so order.

ORDER

1. The Commission hereby grants Minnesota Power's application for rehearing and defers consideration of the merits of that petition until the conclusion of this proceeding.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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