

The Commission met on **Wednesday, December 22, 2021**, with Chair Sieben and Commissioners Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

P-6541/RV-21-771

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

Commissioner Tuma moved that the Commission revoke Silv Communications Inc.'s Certificate of Authority.

The motion passed 4—0.

P-405,407,5316/CI-21-150

In the Matter of a Commission Inquiry into Frontier Communications' Virtual Separation Analysis

Commissioner Tuma moved that the Commission deny reconsideration.

The motion passed 4—0.

P-421/C-20-432

In the Matter of a Formal Complaint Regarding the Services Provided by the Qwest Corporation, d/b/a CenturyLink in Minnesota, on Behalf of the Communications Workers of America.

This item was pulled from the agenda prior to the meeting.

E,G-999/CI-08-133

In the Matter of Commission Review of Utility Performance Incentives for Energy Conservation Pursuant to Minn. Stat. § 216B.241 Subd. 2c

Chair Sieben moved that the Commission accept the Department's request for an extension to 2023 for a proposed low-income financial incentive mechanism to be considered and evaluated as part of the 2024-2026 triennial CIP financial incentive mechanism.

The motion passed 4—0.

E-002/M-21-433

In the Matter of the Petition for a Proposed Tariff Modification for a Nonstandard Provision to the Uniform Statewide Contract for Cogeneration and Small Power Production

The item was tabled.

E-015/M-21-257

In the Matter of Minnesota Power's Electric Vehicle Charging Infrastructure Investment

Chair Sieben moved that the Commission deny Minnesota Power's request for clarification. The Commission's October 22, 2021 order is clear as to treatment of capital expenditures, in that Minnesota Power may not earn a return on its deferred tracker account, but is not prohibited from earning a return on investments once they are included in the test year of a rate case.

The motion passed 4—0.

E-002/CN-21-668

In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy for a Certificate of Need for Additional Dry Cask Storage at the Monticello Nuclear Generating Plant Independent Spent Fuel Storage Installation in Wright County

Commissioner Schuerger moved that the Commission take the following actions:

1. Accept the application as complete.
2. Refer the matter to the Office of Administrative Hearings for a contested case proceeding and request that the Administrative Law Judge issue their final report by July 1, 2023.
3. Delegate administrative authority to the Executive Secretary and include the following additional items in the appropriate order issued in this matter:
 - a. Provide the name, telephone number, and email address of the staff person designated as Public Advisor to facilitate citizen participation in the process.
 - b. Request that the Department of Commerce, Division of Energy Resources continue to study the issues and indicate during the hearing process its position on the reasonableness of granting a certificate of need.
 - c. Require the applicant to facilitate in every reasonable way the continued examination of the issues by the Department of Commerce and Commission staff.

- d. Require applicant to place a copy of the application (printed or compact disc) for review in at least one government center or public library in each county where the proposed storage facility project is located.
 - e. Direct Commission staff to work with the Administrative Law Judge and Department of Commerce staff to select a suitable location for the public hearings on the application.
 - f. Direct the Executive Secretary to notify the House of Representatives and Senate committees with jurisdiction over energy and environmental policy issues that an application for a certificate of need pursuant to Minn Stat. § 116C.83 has been filed.
- 4. Vary Minn. R. 7849.0200, subp. 5, and extend the 30-day time frame for Commission decision on application completeness.
 - 5. Vary Minn. R. 7855.0200 subp. 5 and 7, and extend the time frame for public hearing and completeness determination.
 - 6. Vary Minn. R. 7855.0200, subp. 6, and establish that a decision on the application for the certificate of need will be made no later than December 15, 2023.

The motion passed 4—0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: March 2, 2022



Will Seuffert, Executive Secretary