

The Commission met on **Thursday, January 4, 2018**, with Chair Lange and Commissioners Lipschultz, Sieben, and Tuma present.

The following matters were taken up by the Commission:

**E-017/D-17-652**

**In the Matter of Otter Tail Power Company's Petition for Approval of Its 2017 Annual Review of Depreciation Certification**

Commissioner Lipschultz moved to take the following actions:

1. Approve Otter Tail's proposed service lives, proposed salvage values, and proposed depreciation rates for all facilities;
2. Approve Otter Tail's proposed effective date of January 1, 2018;
3. Require Otter Tail to include in future depreciation filings a table comparing asset lives used for the purpose of the Company's resource planning with the remaining lives proposed in the depreciation filings, explaining any differences; and
4. Require Otter Tail to file a five-year depreciation study by September 1, 2018.

The motion passed 4–0.

**E-203,017/SA-17-804**

**In the Matter of the Joint Request of the Alexandria Board of Public Works d/b/a ALP Utilities and Otter Tail Power Company for Approval to Modify Electric Service Territory Boundaries**

Commissioner Tuma moved to take the following actions:

1. Approve the requested service-by-exception agreement and the permanent service territory transfer from Otter Tail Power Company to ALP Utilities;
2. Request that MnGeo update the Commission's maps to reflect the service area designations as shown on the map in the petition; and
3. Require the parties to file the full information packet mailed to affected customers on November 28, 2017.

The motion passed 4–0.

**E-002/M-17-773**

**In the Matter of the Petition for Approval of an Interconnection Agreement with Flint Hills Resources Pine Bend, LLC**

Commissioner Tuma moved to approve the proposed Interconnection Agreement between Xcel and the Customer for its proposed 49.9 MW CHP system.

The motion passed 4–0.

**E-015/M-15-825**

**In the Matter of a Petition by Minnesota Power for Approval of a Community Solar Garden Program**

Commissioner Lipschultz moved that the Commission find that Minnesota Power has met the requirements of Order Point 8 of the Commission’s July 27, 2016 order and find that Minnesota Power has met the requirements of Order Point 10 of the Commission’s 27, 2016 order.

The motion passed 4–0.

**IP-6984/WS-17-749**

**In the Matter of the Application of Flying Cow Wind, LLC for a Site Permit for the 152 MW Bitter Root Wind Project and Associated Facilities in Yellow Medicine County**

Commissioner Sieben moved to take the following actions:

1. Accept the site permit application as substantially complete.
2. Regarding process,
  - A. Request that an administrative law judge from the Office of Administrative Hearings preside over the hearing and prepare a summary of public comments.
  - B. Request that an administrative law judge from the Office of Administrative Hearings preside over the hearing and that the ALJ:
    - 1) Conduct the public hearing in accordance with Minn. R. 7850.3800, subp. 2 to 4, and as the administrative judge determines appropriate, Minn. R. 1405.0500, 1405.0600, 1405.0800, 1405.1900, and 1405.2200;

- 2) Direct that intervention as a party is not required. Parties to the proceeding are the Department of Commerce and the Applicant. Other persons may participate as public participants or as otherwise prescribed;
- 3) Request that state agencies participate in accordance with Minn. Stat. § 216E.10, subd. 3;
- 4) Establish the types of filings necessary to facilitate proper record development (i.e., testimony, briefs, reply briefs, proposed findings, and site permit recommendations) and a schedule for submitting those filings through the scheduling of a prehearing conference in accordance with Minn. R. 1405.1100, as determined appropriate;
- 5) Emphasize the statutory time frame for the Commission to make final decisions on the application and encourage the applicant and others to adhere to a schedule that conforms to the statutory timeframe;
- 6) Request interested persons to address whether the proposed LWECS project meets the criteria established under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854;
- 7) Prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the LWECS site permit application and provide recommendations, if any, on conditions and provisions of the proposed site permit; and
- 8) Direct that the hearing record be maintained through the Commission's electronic eDockets filing system.

3. Regarding administrative responsibilities,

- A. Delegate administrative authority, including timing issues, to the Executive Secretary.
- B. Provide the name, telephone number, and email address of the Commission's public advisor who will facilitate citizen participation in the process: Charley Bruce, (651) 201-2251, or [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us).
- C. Request that the Department continue to study the issues and indicate during the hearing process through testimony or comment its position on the reasonableness of granting a site permit.

- D. Require the Applicant to facilitate in every reasonable way the continued examination of the issues requested by the Department and Commission staff.
  - E. Require the Applicant to place a print or electronic copy of the site permit application in the government center or public library located closest to the proposed project site.
  - F. Direct the Applicant to work with Commission staff and the administrative law judge to arrange for publication of the notice of hearing in newspapers of general circulation at least ten days prior to the hearing, that such notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.
  - G. Direct that all noticing requirements in these matters provided for under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854 include delivery to all affected landowners. An affected landowner is any landowner or designee that is within or adjacent to the proposed LWECS site boundary.
4. Regarding rule variances,
- A. Vary Minn. R. 7854.0600, subp. 1, and extend the 30-day time frame for Commission decision on application completeness.
  - B. Vary Minn. R. 7854.0800, subp. 1, and extend the 45-day time frame for Commission decision on the issuance of a draft site permit.
  - C. Vary Minn. R. 7854.0600, subp. 3, and allow the applicant to provide each required recipient with hard copies of the main application and maps, and provide the appendices via electronic media such as a CD or thumb drive or through a notice of a webpage containing the complete application.

The motion passed 4–0.

**G-002/GS-16-656**

**In the Matter of Xcel Energy's Request for an Amendment to the Black Dog Natural Gas Pipeline Route Permit**

Commissioner Lange moved that the Commission grant the route permit amendment, as attached authorizing the Black Dog Lake reroute and authorize staff to make further administrative permit modifications as necessary to ensure consistency with the record and recently issued permits.

The motion passed 4–0.

**IP-6946/WS-17-410**

**In the Matter of the Application of Freeborn Wind Energy LLC for a Large Wind Energy Conversion System Site Permit for the 84 MW Freeborn Wind Farm in Freeborn County**

Commissioner Tuma moved that the Commission issue a draft site permit on the Freeborn Wind Farm Project, as modified and proposed by EERA, and authorize Commission staff to modify the Draft Site Permit to correct typographic errors, improve consistency, and incorporate suggestions made by the Commission during deliberations and oral decisions on the matter.

The motion passed 4–0.

**P-421/RW-17-569**

**In the Matter of a Petition by Qwest Corporation dba Century Link QC for Resolution of a Dispute with BNSF Railway Company Over the Use of Railroad Right-of-Way Under Minn. Stat. § 237.045**

Commissioner Lipschultz moved to deny reconsideration.

The motion passed 4–0.

There being no further business, the meeting was concluded.

**APPROVED BY THE COMMISSION: January 24, 2018**



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**Daniel P. Wolf, Executive Secretary**