

The Commission met on **Thursday, November 2, 2017**, with Chair Lange and Commissioners Lipschultz, Schuerger, Tuma and Sieben present.

The following matters were taken up by the Commission:

**P-6978/M-17-213**

**In the Matter of Assist Wireless's Petition for ETC Designation in Minnesota**

Commissioner Tuma moved that the Commission take the following actions:

1. Find that upon the Department's verification:

- The conditions below have been completed;
- Assist Wireless has made a credible showing of its capability and intent to provide and advertise an affordable, quality Lifeline offering throughout its proposed service area; and
- Assist Wireless's designation for the provision of Lifeline service is in the public interest subject to conditions; and

2. Approve Assist Wireless's petition for ETC status for the limited purpose of providing Lifeline service to qualifying Minnesota customers, effective upon receipt of the Department's letter of verifying that the following conditions have been completed:

- a. Within 30 days of the Commission order in this matter, submit an update to its advertising plan that addresses outreach in the Fargo, Mankato and Rochester markets;
- b. Within 30 days of the Commission order in this matter, submit its informational tariff;
- c. Include in its information tariff Assist Wireless's commitment to follow the CTIA's Consumer Code for Wireless Service and include a copy of the code;
- d. Certify in a compliance filing that it will provide rate, terms, and conditions that match the best terms, rates and conditions offered in other jurisdictions;
- e. Within 30 days of the Commission order in this matter, submit proposed policies regarding repair, maintenance, replacement of handsets, batteries, and chargers and options to purchase handsets must be clear to consumers, and available to consumers who do not have web access;
- f. Certify in a compliance filing that it will provide the customer the detailed information in writing, at the time of enrollment, of repair and replacement policies for phones and accessories (batteries, chargers) and purchase options;
- g. Certify in a compliance filing that it will provide cell phone instruction manuals to its Lifeline customers;
- h. Within 30 days of this Order, Assist Wireless must file a copy of the instructional materials that it provides to its Lifeline customers;
- i. Certify in a compliance filing that it will ensure that the Terms and Conditions applicable to Minnesota customers, posted on its website, do not conflict with the terms and conditions included in its Minnesota informational tariff.

- j. Certify in a compliance filing that it will notify the Commission and the Department, in writing, immediately upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. Assist Wireless must submit a revised tariff or customer service agreement page to reflect such changes;
- k. Certify in a compliance filing that it will report any unfulfilled requests of Lifeline-qualified customers. If it determines that it cannot reasonably serve a consumer, it will report the unfulfilled request to the Department and the Commission within 10 days after making such a determination;
- l. Certify in a compliance filing that it shall comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52;
- m. Upon Assist Wireless's completion of all conditions, the Department will file a letter to the record affirming that all conditions have been completed.

The motion passed 5-0.

**IP-6941/GS-14-1052**

**In the Matter of Marshall Solar, LLC Site Permit for the Marshall Solar Energy Project and Associated Facilities in Lyons County**

Commissioner Tuma moved that the Commission take the following actions:

1. Approve Marshall Solar's request to construct the equipment shed and authorize a minor alteration of the site permit for the Marshall Solar Project conditioned on the following:
  - Construction consistent with applicable state and local building and electrical codes;
  - Documentation that the buildings construction type, setbacks, and size conform with local zoning and land use rules, regulations, or ordinances; and
  - Amendment of the Emergency Response Plan pursuant to section 8.9 of the site permit after consultation with the emergency responders having jurisdiction over the facility prior to construction.
2. Require Marshall Solar to make filing within 60 days of completion of construction of the shed documenting compliance with the above conditions.

The motion passed 5-0.

**E-002/17-531**

**In the Matter of a Petition of Approval to Terminate the Pine Bend Power Purchase Agreement**

Commissioner Sieben moved that the Commission take the following actions:

1. Approve the petition, including the proposed Termination Agreement and requested rule variances; and
2. Require Xcel, in a compliance filing, to quantify the financial impact of removing the Pine Bend PPA and replacing it with other sources of energy. The filing should include a description of the methodology used to calculate the financial impact.

The motion passed 5 -0.

**G-011/M-17-409**

**In the Matter of a Petition by the Minnesota Energy Resources Corporation for Approval of Farm Tap Customer-Owned Fuel Line Replacement Plan, Tariff Amendments, and Deferred Accounting**

Commissioner Lipschultz moved that the Commission take the following actions:

1. Approve MERC's proposed Planning and Design Phase (Phase 1) with the following additional requirements:
  - a. Provide a cost estimate of MAOP testing of the small number of locatable lines, and the potential savings that could be realized if the Company were to assume control of the lines with acceptable MAOP rather than replacement;
  - b. Provide cost estimate associated with refunding farm tap customs for lines replaced in the last 10 years that meet MERC's safety standards for the farm tap program which the company would plan to take over and maintain as part of the farm tap program;
  - c. Provide cost estimate of converting current farm tap customers to either propane or electric service;
  - d. Provide a cost estimate of what farm tap customers would pay for the new service lines assuming MERC applied its current tariff for service line extensions;
  - e. Provide a cost estimate of what farm tap customers would pay under MERC's current service extension tariff assuming a greater free footage allowance due to farm tap customers having longer service lines than the typical firm customer; and
  - f. Provide an analysis of other rate design options MERC has considered that would allow for possible recovery of the program's costs directly from farm tap customers to reduce the cost to be socialized across MERC's entire customer base along with a description of the cost implications of those options.

2. Require MERC to provide a detailed and specific procedural proposal for Implementation (Phase 2) (including dates, times, and locations for public hearings), when MERC submits its analysis and results from Phase 1 of this project and its proposal for Phase 2;
3. Delegate to the Executive Secretary the authority to approve customer and other notices, bill inserts, and advertisement of any other kind related to this matter for the duration of this proceeding;
4. Require MERC to develop a notice to send to all of its customers at the beginning of Phase 2 regarding the farm tap project including MERC's proposal to socialize all of the costs of this project, customer bill impacts, and all possible alternatives;
5. Request parties to submit comments within 30 days and replies within ten days on MER's report on Phase 1, MERC's proposed procedural schedule for Phase 2, and its request for the assignment of an Administrative Law Judge to conduct public hearings;
6. Delegate to the Executive Secretary the authority to vary time periods set forth in the Commission's orders in this matter and to establish new processes as necessary to facilitate resolution of this matter; and
7. Approve MERC's request for deferred accounting.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: February 21, 2018**



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**Daniel P. Wolf, Executive Secretary**