

The Commission met on **Thursday, October 26, 2017** with Chair Lange and Commissioners Lipschultz and Tuma present.

The following matters were taken up by the Commission:

**E002/M-13-867**

**In the Matter of the Petition of Northern States Power Company, dba Xcel Energy, for Approval of its Proposed Community Solar Garden Program E,G999/CI-12-1344**

**In the Matter of a Commission Inquiry into the Privacy Policies of Rate-Regulated Energy Utilities.**

Commissioner Lipschultz moved that the Commission approve the proposed tariff change and allow Xcel to accept either the current SAA (pre-tariff-change) or the new SAA (post-tariff-change) for a period not to exceed 24 months from the date of the Commission Order.

The motion passed 3–0.

**E017/M-17-279**

**In the Matter of Otter Tail Power Company’s Petition for Approval of Merricourt Wind Project.**

Chair Lange moved that the Commission:

1. Approve the proposed Merricourt Project under Minn. Stat. § 216B.1645, subd. 1.
2. Determine that the Merricourt Project qualifies for application toward Otter Tail’s renewable energy objectives and obligations pursuant to Minn. Stat. § 216B.1691.
3. Determine that the Merricourt Project is exempt from the requirement to obtain a certificate of need under Minn. Stat. § 216B.243, subd. 5.
4. Authorize rider recovery of project capital costs under Minn. Stat. § 216B.1645, subd. 2a, up to the trade secret amount identified on Page 10 of the Department’s August 16, 2017, reply comments.
5. Require Otter Tail to file informational reports on the Merricourt Project’s Bird and Bat Conservation Strategy minimization and mitigation activity, including the related impact on Merricourt’s operation, during the first ten years of operation (the first ten twelve-month periods). These reports must be filed within 30 days

after the end of each of the first two years (i.e., first two 12-month periods) of operation, and within 30 days after the end of each five-year (60-month) interval of operation of the first ten years. Require Otter Tail to file any post-construction avian fatality surveys conducted during the first two years of operation.

The motion passed 3–0.

**G-6960/M-16-214**

**In the Matter of a Petition by United Natural Gas, LLC for Approval of Its Request for a Small Gas Utility Franchise Exemption**

Commissioner Lipschultz moved that the Commission:

1. Conclude that the Lower Sioux may regulate the Company’s provision of natural gas service to tribal-owned entities located on tribal-owned or tribal-trust land.
2. Grant the Company’s request to expand its exemption under Minn. Stat. § 216B.16, subd. 12, to provide incidental service to customers along the route of the pipeline serving the Lower Sioux.
3. The Local Utilities Board will meet and discuss the issue of regulating additional incidental-service customers along the route of the pipeline serving the Lower Sioux after receiving the internal audit. The Local Utilities Board will keep minutes of its meetings and shall provide the Commission with copies of its meeting minutes in a compliance filing.
4. Require the Company to file with the Commission a copy of the internal audit when it is complete.
5. Request that the cities of Lafayette and Courtland each submit a filing indicating the city’s assent to the Commission’s expansion of the Company’s exemption under Minn. Stat. § 216B.16, subd. 12. The Commission requests that the cities of Lafayette and Courtland submit these filings following the Company’s completion of its internal audit and the meeting of the Local Utilities Board to review the audit.
6. Conclude that the Company is not prohibited from delivering incidental natural gas service to customers along the route of the pipeline serving the Lower Sioux while the items described in ordering paragraphs 3-5 are pending.
7. Require the Company to file a description of the materials that the Company provides to prospective and new customers and the timing of those materials.

8. Affirm that with the expansion of its exemption under Minn. Stat. § 216B.16, subd. 12, the Company continues to be subject to the following statutory reporting requirements:
  - a. Annual Cold Weather Rule, Minn. Stat. §§ 216B.096, subd. 11, .16, subd. 12(c);
  - b. Notice to cities of utility disconnection, Minn. Stat. § 216B.0976;
  - c. Residential customer protections, Minn. Stat. § 216B.098;
  - d. Annual tariff updates with municipally approved rates, Minn. Stat. § 216B.16, subd. 12(c);
  - e. Filing of any subsequent changes in rates, tariffs, and contracts for service outside of the municipalities at least 30 days in advance of implementation, Minn. Stat. § 216B.16, subd. 12(b);
  - f. Notification of the Commission should the Company's customer base expand beyond the 5,000 customer threshold.
9. Approve the Company's proposed revisions to Section 2 of its tariff that increase the number of members of the Local Utilities Board from five to six and add the "Lower Sioux Indian Community" to the list of "Cities or Communities."
10. Require the Company to notify the Commission if the Company or a related entity begins providing natural gas service to customers within the boundaries of the Lower Sioux Reservation in addition to those customers listed in the Community Council of the Lower Sioux Indian Reservation (Community Council) Resolution 17-08.
11. Require the Company to notify the Commission if the Company or a related entity executes a franchise-type agreement or other similar legal agreement with the Community Council or similar entity representing the Lower Sioux.
12. Require the Company to notify the Commission if the Community Council initiates action to terminate the Firm Service Agreement.

The motion passed 3-0.

**PL-9/CN-14-916**

**In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Proposed Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border**

**PL-9/PPL-15-137**

**In the Matter of the Application of Enbridge Energy, Limited Partnership for a Route Permit for the Proposed Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border**

Commissioner Lipschultz moved that the Commission:

1. Find that the data identified in the Administrative Law Judge's Order Certifying Data Determination and Staying Release of Data, dated September 22, 2017, is public under the Minnesota Government Data Practices Act.
2. Require the Company to, within 10 days of the Commission's issuance of a notice of this decision, refile the Report, after which the Department shall refile Table 10.3-1 of the DEIS and Table 10.3-7 of the FEIS, with both Enbridge's and the Department's filings including the "Predicted Volume Out" values as public information.

The motion passed 3-0.

**P-415/AM-17-65**

**In the Matter of a Request to Compel Melrose Telephone Company to Reissue Customer Notice**

Commissioner Lange moved that the Commission take no action and close the docket.

The motion passed 3-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: February 7, 2018**



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**Daniel P. Wolf, Executive Secretary**