

The Commission met on **Tuesday, October 18, 2016**, with Chair Heydinger and Commissioners Lange, Lipschultz, Schuerger, and Tuma present.

The following matters were taken up by the Commission:

## **ENERGY FACILITIES PLANNING AGENDA**

### **IP-6961/WS-16-686**

#### **In the Matter of the Application of Blazing Star Wind Farm, LLC, for a Site Permit for the 200 Megawatt Blazing Star Wind Project in Lincoln County**

Commissioner Tuma moved that the Commission:

1. Accept the site permit application as substantially complete;
2. Direct Blazing Star to file the information identified by the Department in its September 23, 2016 comments and recommendations prior to the public information meeting in these matters;
3. Combine the site permit application review process with the certificate of need application review process to the extent practicable and expand the certificate of need public hearing process to include issues related to the site permit application;
4. Request that an administrative law judge from the Office of Administrative Hearings preside over the hearing and:
  - A. Conduct the public hearing in accordance with Minn. R. 7850.3800, subp. 2 – 4, and as the administrative judge determines appropriate, Minn. R. 1405.0500; 1405.0600; 1405.0800; 1405.1900; and 1405.2200;
  - B. 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;
  - C. Request that state agencies participate in accordance with Minn. Stat. § 216E.10, subd. 3.
  - D. 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;
  - E. 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;

- F. Ask the applicant and others to address whether the proposed LWECS project meets the criteria established under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854;
  - G. 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
  - H. Direct that the hearing record be maintained through the Commission's electronic e-Dockets filing system.
5. Delegate administrative authority, including timing issues, to the Executive Secretary;
  6. 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.
  7. Provide the name, telephone number, and email address of the Commission's public advisor who will to facilitate citizen participation in the process: Kevin George, (651)- 201-2251, publicadvisor.puc@state.mn.us.
  8. 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.
  9. Require the Applicant to facilitate in every reasonable way the continued examination of the issues requested by the Department and Commission staff.
  10. 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.
  11. 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.
  12. 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.
  13. Vary Minn. R. 7854.0600, subp. 1, and extend the 30-day time frame for Commission decision on application completeness.

14. 2. 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.

The motion passed, 5-0.

## **TELECOMMUNICATIONS AGENDA**

### **P-6850/M-15-833**

#### **In the Matter of WiMacTel., d/b/a Intelicall Operator Services Revised Tariff**

Chair Heydinger moved that the Commission require WiMacTel to submit, on or before October 28, 2016, pictures of signage complying with Minn. Stat. Section 237.036(e) to be posted at each of WiMacTel's Minnesota pay phones. The Commission will then review the submitted signage and other WiMacTel filings for compliance with the Commission's September 8, 2016 order.

## **ENERGY AGENDA**

### **E-017/PA-16-441**

#### **In the Matter of a petition of Otter Tail Power Company for Approval of Transfer of Property**

Commissioner Lipschultz moved that the Commission approve the transfer of property and require Otter Tail and Xcel Energy to file the accounting entries for the purchase of the transmission facilities within 6- days of the close of the transaction.

The motion passed 5-0.

### **G-004/GR-15-879**

#### **IN the Matter of the Petition by Great Plains Natural Gas Co., a Division of MDU Resources Group, Inc., for Authority to Increase Natural Gas Rates in Minnesota**

Great Plains Natural Gas Co. withdrew its request for clarification.

### **E-015M-14-962**

#### **In the Matter of Minnesota Power's Renewable Resources Rider and 2015 Renewable Factor**

Commissioner Schuerger moved to find that all Bison Wind Projects' North Dakota Investment Tax Credits actually realized in tax return filings, or monetized through other permissible means must be reflected in the Company's revenue requirements.

The motion passed 4-1, with Commissioner Tuma voting no.

Commissioner Lipschultz moved to require Minnesota Power to amortize the actual North Dakota Investment Tax Credit realized over the remaining life of Bison Wind Projects; and at the onset of the actual realization of the benefit, to commence amortization and the tax credit inclusion in revenue requirements, in its next renewable resource rider filing. The Company should add credits realized from year-to-year to the amortizable balance. The Commission will permit the appropriate adjustment to rate base to account for the unamortized balance of the actual North Dakota Investment Tax Credit realized.

The motion passed 4-1, with Commissioner Tuma voting no.

Commissioner Tuma moved to require Minnesota Power to submit supplemental compliance filings with the Commission if there are: 1) material changes (greater than 10 percent or \$2.2 million) to the estimated North Dakota Investment Tax Credit Utilization on a consolidated/unitary tax return, and/or 2) legislative changes that allow additional means to monetize these credits.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: November 2, 2016**



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**Daniel P. Wolf, Executive Secretary**