

The Commission met on **Thursday, May 6, 2021**, with Chair Sieben and Commissioners Means, Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

P-999/CI-21-86

P-6888/M-21-52

P-423/AM-21-56

P-432/M-21-57

P-406/AM-21-62

P-6996/M-21-67

P-527/M-21-73

P-522/AM-21-77

P-523/AM-21-81

P-530/M-21-83

P-409/AM-21-84

P-571/AM-21-92

P-6186/SA-21-124

P-558/M-21-132

P-5096/M-21-158

P-515/AM-21-180

P-6158/M-21-248

In the Matter of a Notice to Rural Digital Opportunity Fund (RDOF) Grant Winners and Petitions for Eligible Telecommunications Carrier (ETC) Designation in Minnesota

Commissioner Tuma moved that the Commission:

1. Find that Arrowhead Electric Cooperative (Docket No. 21-52) has met the requirements for eligible telecommunications carrier (ETC) designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the Federal Communications Commission's (FCC) universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
2. Find that CenturyLink Communications, LLC (Docket No. 21-158) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.

3. Find that Consolidated Telephone Company d/b/a CTC (Docket No. 21-62) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
4. Find that Farmers Mutual Telephone Company (Docket No. 21-77) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
5. Find that Federated Telephone Cooperative (Docket No. 21-81) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
6. Find that Garden Valley Telephone Cooperative (Docket No. 21-84) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
7. Find that Gardonville Cooperative Telephone Association (Docket No. 21-73) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
8. Find that Halstad Telephone Company (Docket No. 21-83) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
9. Find that Interstate Telecommunications Cooperative, Inc. (Docket No. 21-180) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to

oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.

10. Find that Midcontinent Communications (Docket No. 21-124) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
11. Find that Paul Bunyan Rural Telephone Cooperative d/b/a Paul Bunyan Communications (Docket No. 21-56) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
12. Find that Red River Telephone Association d/b/a Red River Communications (Docket No. 21-132) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
13. Find that Roseau Electric Cooperative (Docket No. 21-67) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
14. Find that Wikstrom Telephone Company (Docket No. 21-57) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
15. Find that Winnebago Cooperative Telecom Association (Docket No. 21-92) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.

16. Find that Windstream Communications, LLC (Docket No. 21-248) has met the requirements for ETC designation, and approve its petition for ETC designation in the census blocks listed in its petition, subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in sections 214(e)(2) and 254(f) of the federal Communications Act of 1934 as amended; the FCC's universal service rules at 47 C.F.R. part 54; and applicable FCC auction materials.
17. For the next annual filing for ETC recertification on July 1, 2021, direct Commission staff to provide notice for comment in time for the Commission to address the state's present and recommended authority over ETC companies and the role of the Minnesota Department of Commerce, the Minnesota Department of Employment and Economic Development, the Minnesota Department of Public Safety, the Office of the Attorney General, and the Commission, in overseeing ETCs.
18. Delegate authority to the Executive Secretary to issue notices and/or letters to the FCC, or to any other entity, if necessary, to facilitate communication of the petitioners' ETC status as designated by this Commission.

The motion passed 5-0.

E-002/M-20-842

In the Matter of the Petition of Northern States Power Company for Approval of Customer Identity and Access Management Platform Terms and Conditions and Amendments to Electric and Natural Gas Utility Rate Books

Chair Sieben moved that the Commission:

1. Approve the Online Terms of Use proposed by Northern States Power Company d/b/a Xcel Energy (Xcel Energy) with the following modifications:

Page 1 of the Terms of Use shall be amended to read:

XCEL ENERGY MAY MODIFY THESE TERMS AT ANY TIME IN ITS SOLE DISCRETION. WHILE XCEL ENERGY WILL MAKE REASONABLE EFFORTS TO NOTIFY YOU OF MATERIAL CHANGES TO THESE TERMS OF USE, WITH OR WITHOUT NOTICE TO YOU, YOU ARE RESPONSIBLE TO FOR REVIEWING THESE TERMS OF USE ON A REGULAR BASIS.

Page 4 of the Terms of Use shall be amended to read:

These Terms of Use, or portions thereof as provided by law, may be subject to the jurisdiction of certain public utilities commissions

that regulate Xcel Energy's provision of utility services to you (the "Commission"). Xcel Energy may submit a copy of these Terms of Use with each such Commission. Please check the general terms and conditions of these Terms of Use regularly. In the future, Xcel Energy may modify these Terms of Use. While Xcel Energy will make reasonable efforts to notify you of material changes to these Terms of Use, ~~Please note, however, that~~ your continued access or use of the Service after amendments are posted will constitute your acceptance of such amendments. If you have any questions about these Terms, contact Xcel Energy at the relevant contact information found at <http://www.xcelenergy.com/ContactUs>.

2. Allow Xcel Energy to modify its Online Terms of Use in the future by making a miscellaneous filing pursuant to Minn. R. 7829.1400. If there is no timely opposition filed, the proposal shall be allowed to go onto the Commission's consent calendar for the Commission's consideration.

The motion passed 5–0.

E-015/M-20-828

In the Matter of Minnesota Power's Petition for the Approval of the Acquisition of Solar Power to Support Economic Relief and Recovery

E,G-999/CI-20-492

In the Matter of an Inquiry into Utility Investments that May Assist in Minnesota's Economic Recovery from the COVID-19 Pandemic

Commissioner Schuerger moved that the Commission:

1. Approve Minnesota Power's request to execute three affiliated interest agreements between the Company and ALLETE Enterprises, Inc. related to the Laskin, Sylvan, and Duluth Solar. Approve the leases of Minnesota Power property near the Sylvan hydroelectric station and in the Laskin Energy Center.
2. Find that the solar projects are in the public interest and approve the projects as a reasonable and prudent way for the Company to continue to work towards meeting its obligations under Minn. Stat. § 216B.1691.
3. Authorize Minnesota Power to recover the power purchase agreement and lease costs through Commission-approved methods for solar resources.
4. Approve Minnesota Power's proposed \$40.9 million cost cap and allow the Company to justify in a rate case or other rate proceeding if costs exceed that amount.

5. Approve Minnesota Power's per megawatt-hour price cap included in Exhibit B of the model power purchase agreement.
6. Delegate to the Executive Secretary authority to issue a notice of comment in this docket, Minnesota Power's Integrated Resource Plan docket, or a new docket to explore what avenues are available for near-term solar deployment that is both outside of these projects and open to competition from developers.
7. Require Minnesota Power to file the executed power purchase agreement, Sylvan and Laskin Land Leases, and Duluth Land Lease as a compliance filing.
8. Require Minnesota Power to report on how the Laskin, Sylvan, and Duluth Solar projects approved in this order are consistent with the information requested in the May 20, 2020 notice issued in Docket No. E,G-999/CI-20-492 and relevant dockets (annual SES dockets, and this docket).

The motion passed 5–0.

G-6278, G-6279, G-6280/CI-18-770

In the Matter of an Inquiry into Exemptions for Small Gas Utility Franchises Under Minn. Stat. § 216B.16, Subd. 12, for Gorham's Inc., Northwest Natural Gas, LLC, Northwest Natural Gas of Murray County, Inc., and Northwest Natural Gas of Cass County LLC

Commissioner Tuma moved that the Commission:

1. Accept the February 18, 2020 filing of Gorham's, Inc., Northwest Natural Gas, LLC, and Northwest Natural Gas of Murray County, LLC (collectively, Northwest) as in substantial compliance with the Commission's November 20, 2019 order in this docket, with the exception of filing tariff pages or rate sheets with the rights and responsibilities of the customer. Northwest shall file these tariff pages or rate sheets within 90 days of the order.
2. Find that Gorham's, Inc., Northwest Natural Gas, LLC, and Northwest Natural Gas of Murray County, LLC, are the same public utility for purposes of Minnesota Statutes Chapter 216B, but that the evidence on the record at this time has not demonstrated that the utility has more than 5,000 customers.
3. Find that Northwest's service outside of all of the municipalities served by Northwest at this time is incidental, except for the service provided to the townships and unincorporated areas around Grand Rapids.
4. Northwest franchise agreement between a municipality and an entity that is not currently serving that municipality with natural gas service, require the municipality to

execute a new franchise agreement with the entity serving the municipality, and require Northwest to file the franchise agreement with the Commission, within 90 days.

5. For each small gas utility exemption, require Northwest to file a new request in a separate docket within 90 days of the Commission order or by another date agreed upon with the Executive Secretary.
6. For each small gas utility exemption, require Northwest to file an annual uniform compliance filing per the Commission's November 9, 2018 Order Determining Compliance with Commission Orders and Establishing Filing Requirements, issued in Docket Nos. G-6956/M-15-856 et al.
7. Request that the Department of Commerce:
 - a. Verify that there are no significant customer complaints regarding Northwest's service quality, and if there are not,
 - b. Within 180 days of the order, file a proposed alternative regulatory collaboration between the Commission, Grand Rapids, and the areas served around Grand Rapids.
8. Direct Commission staff to convene a workgroup to discuss the process for Northwest to transition to state regulation for the areas served around Grand Rapids and for when and if the 5,000-customer threshold is reached.
9. Require Paul Bunyan Natural Gas, LLC, to file its present and anticipated 2022 customer counts, a thorough description of its corporate and operational relationship to Northwest, and, if applicable, a small gas utility exemption request, within 90 days of the order.
10. Delegate to the Commission's Executive Secretary authority to vary all time periods and procedures related to this matter for the duration of this proceeding.

The motion passed 5–0.

Letter to Congressional Delegation

Commissioner Sullivan moved to draft a letter to the members of Minnesota's Congressional delegation, for Commission review, in support of the transmission investment proposal contained in the American Jobs Plan.

The motion passed 5–0.

G-008/M-20-565

**In the Matter of a Petition by CenterPoint Energy Resources Corp. d/b/a/ CenterPoint Energy
Minnesota Gas for Approval to Change Its Level of Demand Units**

This item was pulled from the agenda.

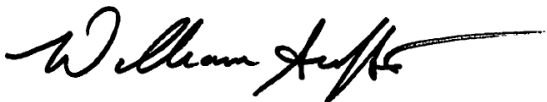
E-999/M-17-123

In the Matter of the Department of Commerce Workgroup on Wind and Solar Facilities

This item was pulled from the agenda.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: June 23, 2021

A handwritten signature in black ink, appearing to read "Will Seuffert", with a long horizontal flourish extending to the right.

Will Seuffert, Executive Secretary