

The Commission met on **Thursday, April 9, 2015**, with Chair Heydinger and Commissioners Lange, Lipschultz, Tuma, and Wergin present.

The following matters were taken up by the Commission:

TELECOMMUNICATIONS AGENDA

P-6014/RV-15-53

In the Matter of the Revocation of FTTH Communications, LLC's Certificate of Authority

Commission Lipschultz moved that the Commission revoke FTTH Communication's certificate of authority.

The motion passed 5–0.

P-5692/PA-15-238

P-5692/RL-15-82

P-5692,6857/PA-14-817

In the Matter of the Joint Application of MegaPath Corporation and MegaPath Cloud Company for Approval to Assign a Certificate of Authority and to Transfer Certain Assets

Commissioner Wergin moved that the Commission:

1. Approve the transfer of MegaPath's regulated assets including its certificate of authority to MegaPath Cloud Company, LLC (VoIPCo), and close Docket Nos. 14-817 and 15-82, and require VoIPCo to satisfy the following compliance items:
 - A. Customers must be notified of their transfer from MegaPath Corporation to VoIPCo.
 - B. Applicants must file a notice of closing within 20 days of completion.
 - C. VoIPCo must file a tariff within 30 days of the Transactions' closing to reflect changes in the rates, terms and conditions of services being transferred from MegaPath to Global Capacity.
 - D. VoIPCo must obtain an approved 911 plan.

The motion passed 5–0.

ENERGY AGENDA

G-002/M-14-336

In the Matter of Northern States Power Company's Request for Approval of a Gas Utility Infrastructure Cost (GUIC) Rider

Commissioner Wergin moved to deny the OAG's request for reconsideration.

The motion passed 5-0.

E-002-M-14-1057

In the Matter of a Petition by Xcel Energy for Approval of an Amendment to an Electric Service Agreement with Terving Seeds

The Commission took no action.

E-243,E106/SA-15-94

Joint Request of the Grand Rapids Public Utilities Commission (GRPUC) and Lake Country Power (LCP or the Cooperative) to Modify Electric Service Territory Boundaries

Commissioner Tuma moved that the Commission approve the requested service territory boundary transfer from LCP to GRPUC.

The motion passed 5-0.

E-002/CN-12-1240

In the Matter of the Petition of Northern States Power Company, d/b/a Xcel Energy, for Approval of Competitive Resource Acquisition Proposal and Certificate of Need

E-002/M-14-788

In the Matter of a Draft Purchase Power Agreement with Geronimo Wind Energy, LLC, d/b/a Geronimo Energy, LLC

E-002/M-14-789

In the Matter of Draft Purchase Power Agreements with Calpine Corporation, Invenergy Thermal Development and Proposed Price Terms for Black Dog Unit 6

Commissioner Lipschultz moved to deny the parties' petitions to reconsider the Commission's Order Approving Power Purchase Agreement with Calpine, Approving Power Purchase Agreement with Geronimo, and Approving Price Terms with Xcel (February 5, 2015).

The motion passed 5-0.

Commissioner Wergin moved to reconsider the Commission's February 5, 2015 order, pursuant to Minn. Stat. § 216B.25, for a limited purpose to correct the order's characterization of the price terms in the Black Dog 6 proposal.

The motion passed 5-0.

IP-6943/GS/15-33

In the Matter of the Combined Application of North Star Solar PV LLC for a Site Permit and Route Permit for the North Star Solar Electric Power Generating Plant and Associated 115 kV High-Voltage Transmission Line in Chisago County, Minnesota

Commissioner Heydinger moved that the Commission:

1. Accept the application as substantially complete and authorize review under the alternative permitting process under Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.
2. Designate Tracy Smetana of Commission staff to serve as the public advisor.
3. Grant a variance to Minn. R. 7850.3700, subp. 3, to vary the 10-day timeline.
4. Request that the EERA present to the Commission comments on the scope of the environmental assessment for Commission input prior to the issuance of the final scoping decision by the Department.
5. Delegate, pursuant to Minn. R. 7829.3100, administrative authority to the Executive Secretary to establish or vary time periods set forth in Minn. R. Chapter 7829.
6. Direct North Star to place a printed and electronic copy of the application and any supplements in at least one government center or public library in each city where the proposed project is located.

The motion passed 5–0.

IP-6941/GS-14-1052

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

Commissioner Lipschultz moved that the Commission:

1. Accept the application as substantially complete and authorize review of the application under the alternative permitting process under Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.
2. Designate Tracy Smetana of Commission staff to serve as the public advisor.
3. Refer the matter Administrative Hearings (OAH) for summary proceedings and requests that the Administrative Law Judge adapt the existing procedural framework set forth in Minn. R. 7850.3800 and incorporate the following:
 - a. emphasize the statutory time frame for the Commission to make final decisions on applications and to strongly encourage the parties to adhere to a schedule that conforms to the statutory time frame;

- b. ask the parties, participants, and the public to address whether the proposed project and any alternatives to the proposed project meet the selection criteria established in Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100.
 - c. prepare a report setting forth findings, conclusions, and recommendations on the merits of the proposed project and alternatives to the proposed project applying the criteria set forth in statute and rule; and provide comments and recommendations, if any, on the conditions and provisions of the proposed permit; and
 - d. make findings and a recommendation on whether the applicant has sufficiently demonstrated that no feasible or prudent alternative exists under Minn., R . 7850.4400 or whether the applicant has demonstrated that a variance should be granted by the Commission to rule .4400 under part 7829.3200.
4. Grant a variance to Minn. R. 7850.3700 to vary the ten-day timeline for determining the scope of the environmental assessment.
 5. Request that the EERA present to the Commission comments on the scope of the environmental assessment for Commission input prior to the issuance of the final scoping decision by the Department.
 6. Delegate administrative authority to the Executive Secretary, including the authority to establish or vary time periods, as provided under Minn. R. 7829.3100.
 7. Direct its staff to contact relevant state agencies to request their participation in the development of the record and public hearings under Minn. Stat. § 216E.10, subd. 3, and request that state agencies submit comments prior to the last day of the public hearings.
 8. Direct Marshall Solar to place a printed and electronic copy of the application and any supplements in at least one government center or public library in each city where the proposed project is located.

The motion passed 5–0.

IP-6666/WS-08-208

In the Matter of the Application of Sibley Wind Substation, LLC for a Large Wind Energy Conversion System in Sibley County

Commissioner Tuma moved that the Commission:

1. Require Sibley to file notice of any changes in project ownership going forward, including:
 - a. a change in owner(s) of the majority financial or governance interests in the permittee (if there are only co-equal 50/50 percent interests, any change is considered a change in majority interest);

- b. a change in owner(s) of the majority interest financial or governance interest of the permittee's owners (if there are only co-equal 50/50 percent interests, any change is considered a change in majority interest); or
 - c. a sale which changes the parent entity of the permittee
2. Require Sibley to file by May 15, 2015, the results of the final study/report of the spring and fall 2014 avian surveys.
 3. Require Sibley to develop and file, by May 15, 2015, an avian and bat protection plan to document the work done to date and that identities procedures to mitigate potential impacts to avian and bat species during construction and operation of the project.
 4. Require Sibley to file, by May 15, 2015, an update on the status of project permits with Sibley County.
 5. Require Sibley to file construction status reports on a monthly basis beginning with issuance of this order.
 6. Require Sibley to file for approval, by July 15, 2015, a report that details the construction activities, and any other actions, conducted by or on behalf of Sibley, between May 1 and July 1, 2015 to substantiate that construction has been continuous.

The motion passed 4-1, with Commissioner Wergin voting against the motion.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: July 8, 2015



Daniel P. Wolf, Executive Secretary