



The Commission met on **Thursday, November 16, 2023**, with Acting Chair Means and Commissioners Sieben, Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

**P-558,P-6995/M-22-221**

**In the Matter of a Petition to Initiate a Proceeding to Revoke the Expanded Eligible Telecommunications Carrier Designation of LTD Broadband, LLC and Deny LTD's Funding Certification for 2023**

**P-6995/M-21-133**

**In the Matter of the Petition of LTD Broadband LLC to Expand Its Designation as an Eligible Telecommunications Carrier**

Commissioner Tuma moved that the Commission:

1. Lift the stay imposed pursuant to the Administrative Law Judge's January 18, 2023, Third Prehearing Order.
2. Refer the matter back to the Office of Administrative Hearings with the request that the matter be restarted following the procedure outlined in the Commission's August 16, 2022, Notice and Order for Hearing.
3. Grant the Petitioner's motion to suspend LTD's RDOF ETC designation previously granted by the Commission.

The motion passed 5–0.

**E-017/M-20-181**

**In the Matter of Otter Tail Power Company's Electric Vehicle Direct Current Fast Charging (DCFC) General Service - Time of Day Pilot Rates.**

Chair Means moved that the Commission:

Approve the following proposals from Otter Tail Power's May 26, 2023, petition:

- a. updated customer and facility charges for the third-party provider rate;
- b. updated energy/demand \$/kWh rate for both third-party provider and company provider rates;
- c. change to the company provider customer connection fee to a \$/kWh fee;
- d. remove rider costs from the customer's charging bill for both third-party provider and company provider rates;
- e. combine the connection fee and energy/demand \$/kWh charges together along with any necessary taxes when displaying pricing to customers for the Company Provider rate; and
- f. other miscellaneous administrative tariff changes as described in Section IV. D. of Otter Tail Power's petition.

The motion passed 5-0.

**E-002/M-13-867**

**In the Matter of the Petition of Xcel Energy For Approval of its Proposed Community Solar Garden Program**

Chair Means moved that the Commission deny US Solar's petition for reconsideration.

The motion passed 5-0.

**E-002, E-017, E-T2, E-015, E-T10/CN-22-538**

**In the Matter of the Application for a Certificate of Need for the Big Stone South-Alexandria-Big Oaks Transmission Project**

**E-002, E-017, E-T2, E-015, E-T10/TL-23-159**

**In the Matter of the Application for a Route Permit for the Alexandria to Big Oaks 345-kV Transmission Project in Central Minnesota**

Commissioner Sieben moved that the Commission:

1. Accept the certificate of need application as substantially complete.
2. Direct that the certificate of need application be reviewed using the informal review process.
3. Accept the route permit application as substantially complete.
4. Authorize review under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.390.
5. Request that an administrative law judge from the Office of Administrative Hearings preside over a public hearing under the Commission's Summary Proceeding process in accordance with Minn. R. 7850.3800, and as the administrative law judge determines appropriate, Minn. R. 1405; and direct that intervention as a party is not required. Further request that the administrative law judge:
  - a. establish the types of filings necessary to facilitate proper record development (*e.g.*, prefiled direct testimony, briefs, reply briefs, proposed findings and permit recommendations) and a schedule for submitting those filings through a prehearing conference in accordance with Minn. R. 1405.1100, as determined appropriate; and
  - b. prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the application and provide recommendations, if any, on the conditions and provisions a permit.
  - c. Request that the Office of Administrative Hearings set a schedule that allows the Commission to issue its Order by September 29, 2024. Request the administrative law judge's report on the certificate of need and route permit by July 19, 2024.
6. Approve joint public meetings, joint public hearings, and combined environmental review of the certificate of need and route permit applications to the extent practical.
7. Request EERA to prepare an environmental assessment in lieu of an environmental report pursuant to Minn. R. 7849.1900.

8. Take no action on an advisory task force at this time.
9. Authorize the Executive Secretary to issue the attached Authorization to Initiate SHPO Consultation to the Applicant.
10. Require the Applicants to file prior to the public hearing: 1) a formal Natural Heritage Review with DNR concurrence, and 2) SHPO's formal response to the Applicants' database request.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: February 7, 2024**

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

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**Will Seuffert, Executive Secretary**