

The Commission met on **Thursday, August 26**, with Chair Sieben and Commissioners Means, Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

IP-7026/CN-20-269

IP-7026/WS-20-384

In the Matter of the Application of Walleye Wind, LLC for a Certificate of Need and Site Permit for the up to 110.8-MW Walleye Wind Project in Rock County, Minnesota

Chair Sieben moved to deny Walleye Neighbors' motion for order to show cause.

The motion passed 5–0.

Commissioner Tuma moved that the Commission:

1. Determine that the environmental report and the record created in this matter address the issues identified in the scoping decision.
2. Approve and adopt the administrative law judge's report as modified by the Department of Commerce, Energy Environmental Review and Analysis unit (EERA) as to findings 151 and 182.
3. Grant a certificate of need for the proposed 109.7-megawatt Walleye Wind Farm.
4. Issue a site permit for the 109.7-megawatt Walleye Wind large wind energy conversion system with the additional conditions recommended in the administrative law judge's report, with the following exceptions:
 - a. Adopt the revisions to site permit section 4.7 on native prairie proposed in the applicant's August 25, 2021 letter: and
 - b. Adopt the changes to site permit section 7.2 regarding the shadow flicker issue proposed on pages 2 and 3 of EERA's August 25, 2021 letter, with the exception of deleting the language: "provided they are recorded with the county."
5. Authorize Commission staff to modify the administrative law judge's report and the proposed site and route permits to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

The motion passed 5–0.

G-6956/M-15-856

In the Matter of a Petition of Community Co-ops of Lake Park for an Exemption for Small Gas Utility Franchise

G-6960/M-16-214

In the Matter of a Petition of United Natural Gas, LLC for Exemption for Small Gas Utility

G-6977/M-17-186

In the Matter of an Exemption for Small Gas Utility Franchise – Cities of Deer Creek & Parkers Prairie, MN

G-6977/M-17-829

In the Matter of a Petition of Lake Region Energy Services, Inc. for Exemption for Small Gas Utility – Cities of Dent & Militona, MN

G-6915/M-13-672

In the Matter of an Exemption for Small Gas Utility Franchise – Cities of Clara City, Maynard, Raymond, Prinsburg & Blomkest, MN

G-6915/M-16-756

In the Matter of an Exemption for Small Gas Utility Franchise – Cities of Belgrade & Brooten, MN

Commissioner Tuma moved that the Commission:

1. Approve the compliance filings from Community Co-Ops of Lake Park; United Natural Gas, LLC; Lake Region Energy Services, Inc.; Dooley's Natural Gas, LLC; and Dooley's Natural Gas II, LLC.
2. Require that future small gas utility franchise annual compliance filings provide copies of the utilities' tariffs reflecting Minn. Stats. §§ 216B.096 and 216B.097 legislatively mandated changes to extend the Cold Weather Rule period to October 1 to April 30 for residential customers, as well as copies of any updated cold weather disconnection notices. All small gas utilities must continue to comply with Minn. Stat. § 216B.16, subp. 12(b), which states "The public utility shall file with the commission and the department all initial and subsequent changes in rates, tariffs, and contracts for service outside the municipality at least 30 days in advance of implementation."
3. Require that future small gas utility franchise annual compliance filings provide customer counts reflecting the number of persons or businesses served (i.e., customers) rather than a customer count based on the number of meters.

4. Require that future small gas utility franchise annual compliance filings provide the following: updated total customer counts for all municipal franchises, the number of customers served under each municipal franchise, and the number of customers served outside of each municipality's border that the utility claims are incidental.

The motion passed 5–0.

G-6278, 6279, 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

Commissioner Means moved that the Commission deny the petition for reconsideration.

The motion passed 5–0.

P-405, 407, 5316/CI-21-150

In the Matter of a Commission Inquiry into Frontier Communications' Virtual Separation Analysis

Chair Sieben moved that the Commission:

1. Proceed with the inquiry via a Commission proceeding.
2. Set the following schedule for the proceeding:
 - a. Require Frontier to file a proposed protective order within 10 days after the Commission issues its procedural order.
 - b. Require Frontier to file an informational filing pertaining to virtual separation within the scope of this proceeding within 30 days after the Commission issues its procedural order.
 - c. 60 days after Frontier's informational filing, parties should file comments on the issues identified for the scope of this proceeding.
 - d. 45 days after initial comments, reply comments are due.
3. Delegate to the Executive Secretary the authority to modify any of the timelines specified above.

4. Determine that the scope of the proceeding should include some or all the following:
 - a. To clarify what “virtual separation” means as used by Frontier.
 - b. To understand why Frontier has elected to use virtual separation.
 - c. To better understand the origins of virtual separation and the extent to which Frontier has vetted the approach to anticipate its positive or negative affect on telecommunications service quality in Minnesota.
 - d. To understand why Frontier has not elected to use virtual separation prior to its reorganization.
 - e. To understand how Frontier intends to use virtual separation in other states.
 - f. To understand how virtual separation works as an accounting approach for a multi-state telecommunications corporation.
 - g. To understand how virtual separation relates to Frontier’s decisions to designate a state as an “InvestCo” or an “ImproveCo” state.
 - h. To understand the advantages and disadvantages virtual separation will impose on “ImproveCo” and “InvestCo” states.
 - i. To determine if virtual separation will divert/impact investment in Minnesota, including the deployment of infrastructure for higher speeds and greater capacity for voice, video, and data.
 - j. To determine if the virtual separation approach will divert financial resources away from maintaining and provisioning voice service in Minnesota, especially in less densely populated areas.
 - k. To understand how virtual separation will be used to determine future workforce needs.
 - l. To understand how virtual separation will be used to determine investment plans and whether Frontier’s virtual separation analysis will change what is invested in Minnesota.
 - m. Other issues relating to how virtual separation will impact Frontier’s Minnesota operations.

- n. For purposes of this investigation, “virtual separation” includes any subsequent investment plans that will impact Minnesota service quality.

The motion passed 5–0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: September 8, 2021



Will Seuffert, Executive Secretary