

August 13, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 13, 2003, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mrs. Wefald: I move the minutes of July 31, 2003, be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Bills

Mrs. Wefald: I move the following bills, as reviewed by the Commission, be approved and paid:

Bruce E. Beechie	12.00
William E. Dodd	128.00
Alan Moch	145.90
ND Newspaper Association	230.17
UniqueScreen Media	1,420.83
David Bickel	12.00
Bruce A. Johnson	24.00
Larry L. Larson	12.00
Guy Welch	97.70
Mark Knell	277.40
Richard Fillbrandt	437.55
JP Robbins	777.34
Bill Eide	546.57
Exide Corporation	756.04
Larry Reisenauer	1,094.29
Regional Oversight Committee	130.00
Kelly Services, Inc.	461.20
Keen Travel Agency	702.50
Leo D. Praus	218.66
Phyllis Richter	585.94
Anthony T. Clark	498.18
Timothy A. Erdmann	339.00
Wayne Grangaard	477.33
Kevin Hanson	426.06
Quality Construction, Inc.	46,961.43
Susan E. Wefald	332.12
2003 NAAML P Conference	175.00
Thiem Drilling, Inc.	172,336.57
ND Clipping Service	148.20
GeoServ, Inc.	7,420.00
Secretary of State	250.00

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2906-03-434
R2C Communications, Inc.
Long Distance Reseller
Application

Mrs. Wefald: I move the Commission issue a Certificate of Registration to R2C Communications, Inc. to resell interexchange telecommunications services in North Dakota, Case No. PU-2906-03-434.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2907-03-440
Inmate Calling Solutions LLC
Long Distance/Operator Services
Application

Mrs. Wefald: I move the Commission issue Certificates of Registration to Inmate Calling Solutions LLC to resell interexchange telecommunications services and to provide operator services in North Dakota, Case No. PU-2907-03-440.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-469
Roy Legumex, Inc. - Roving Grain
Buyer
License Application

Mrs. Wefald: I move the Commission approve the roving grain buyer license application for Roy Legumex, Inc., St. Jean, Manitoba, Canada.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-287
Otter Tail Corporation
Crete Grain, Crete, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Crete Grain for a grain elevator site near Crete, North Dakota, Case No. PU-2805-03-287.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-381
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Christine and Darwin VanBerkom,
Powers Lake, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Christine and Darwin VanBerkom for a residential site near Powers Lake, North Dakota, Case No. PU-399-03-381.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-382
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Maynard Helgaas, Dawson, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Maynard Helgaas for a water garden and outlets site near Dawson, North Dakota, Case No. PU-399-03-382.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-391
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Nathaniel Fleck, Arnegard, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Nathaniel Fleck for a grain bin site near Arnegard, North Dakota, Case No. PU-399-03-391.

Mr. Cramer: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-896-03-461
Kenneth Francis Thomsen - Auctioneer
License Application

Mrs. Wefald: I move the Commission approve the auctioneer license application for Kenneth Francis Thomsen, Baldwin, North Dakota.

Mr. Cramer: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-896-03-462
Kenneth Francis Thomsen dba 4
Winds Auction/AC
License Application

Mrs. Wefald: I move the Commission approve the auction clerk license application for Kenneth Francis Thomsen doing business as 4 Winds Auction, Baldwin, North Dakota.

Mr. Cramer: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-896-03-470
James J. Igoe - Auctioneer
License Application

Mrs. Wefald: I move the Commission approve the auctioneer license application for James J. Igoe, Bismarck, North Dakota.

Mr. Cramer: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-896-03-471
James J. Igoe - Auction Clerk
License Application

Mrs. Wefald: I move the Commission approve the auction clerk license application for James J. Igoe, Bismarck, North Dakota.

Mr. Cramer: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-2342-01-296
Qwest Corporation
Interconnection/Wholesale Price
Investigation
Trade Secret Protection

Mr. Clark: I move the Commission adopt the Order Granting Trade Secret Protection to Qwest Corporation limiting the disclosure of trade secret information in Qwest Corporation's Interconnection/Wholesale Price Investigation, Case No. PU-2342-01-296.

Mrs. Wefald: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-439-03-309
Public Service Commission
Qwest Performance Assurance Plan
Investigation

Mr. Clark: I move the Commission join in the multistate collaborative, made up of Qwest, CLECs and state commission representatives, for the purpose of long-term administration of Qwest's Performance Indicator Definitions (PIDs), Case No. PU-439-03-309.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2342-03-361
Qwest Corporation
Switched Access Traffic
Tariff

Mr. Clark: I move the Commission find the complaint filed by BEK Communications, et. al states a prima facie case and serve the complaint on Qwest Corporation, Case No. PU-2342-03-361, Qwest Corporation's Switched Access Traffic tariff.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2909-03-447
Mental Health Association
211 Designation
Application
Issues Notices

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in Case No. PU-2909-03-447

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2630-03-275
U.S. Link, Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Mr. Clark: I move the Commission adopt the Order approving the captioned interconnection agreements.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2745-03-278
Midcontinent Communications/Qwest
Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2684-03-320
WWC Holding Co., Inc./North Dakota
Telephone Company
Interconnection Agreement
Application

Case No. PU-2882-03-321
WWC Holding Co., Inc./Dickey Rural
Access, Inc.
Interconnection Agreement
Application

Case No. PU-2556-03-322
WWC Holding Co., Inc./Dickey Rural
Communications, Inc.
Interconnection Agreement
Application

Cases Continued

Case No. PU-2555-03-323
WWC Holding Co., Inc./Dickey Rural
Telephone Cooperative
Interconnection Agreement
Application

Case No. PU-2554-03-324
WWC Holding Co., Inc./Moore and
Liberty Telephone Company
Interconnection Agreement
Application

Case No. PU-2553-03-325
WWC Holding Co., Inc./Griggs County
Telephone
Interconnection Agreement
Application

Case No. PU-2539-03-326
WWC Holding Co., Inc./Midstate
Communications Inc.
Interconnection Agreement
Application

Case No. PU-2540-03-327
WWC Holding Co., Inc./Midstate
Telephone Company
Interconnection Agreement
Application

Case No. PU-2543-03-328
WWC Holding Co., Inc./Dakota Central
Telecom I
Interconnection Agreement
Application

Case No. PU-2542-03-329
WWC Holding Co., Inc./Dakota Central
Telecommunications Cooperative
Interconnection Agreement
Application

Case No. PU-2538-03-330
WWC Holding Co., Inc./United
Telephone Mutual Aid Corporation
Interconnection Agreement
Application

Cases Continued

Case No. PU-2537-03-331
WWC Holding Co., Inc./Turtle Mountain
Communications, Inc.
Interconnection Agreement
Application

Case No. PU-2548-03-332
WWC Holding Co., Inc./Red River
Telecom, Inc.
Interconnection Agreement
Application

Case No. PU-2549-03-333
WWC Holding Co., Inc./Red River
Rural Telephone Association
Interconnection Agreement
Application

Case No. PU-2799-03-334
McLeod USA Telecommunications
Services Inc./Qwest Communications
Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2522-03-335
TW Wireless, L.L.C./Qwest Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2873-03-339
Polar Telcom, Inc./Qwest Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2630-03-349
U.S. Link, Inc./Qwest Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2888-03-360
Nextel West Corp./Qwest Corporation
Interconnection Agreement Amendment
Application

Cases Continued

Case No. PU-2800-03-368
MCImetro Access Transmission
Services LLC/Qwest Corporation
Interconnection Agreement Amendment
Application

Mr. Clark: I move the Commission issue a Notice of Opportunity to File Written Comments in the captioned applications for approval of interconnection agreements.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2463-03-393
Integra Telecom of North Dakota,
Inc./Qwest Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2823-03-400
WaveSent LLC/Qwest Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2822-03-401
Joseph B. McNeal d/b/a Page
Data/Qwest Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2482-03-439
Preferred Carrier Services, Inc./Qwest
Corporation
Interconnection Agreement Amendment
Application

Case No. PU-2800-03-451
MCImetro Access Transmission
Services LLC/Qwest Corporation
Interconnection Agreement Amendment
Application
Issue Notice

Case No. GE-847-03-453
Cenex Harvest States Cooperatives
Facility-Based Grain Buyer - Hague,
ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-847-03-453 granting the request of Cenex Harvest States Cooperatives, St. Paul, Minnesota, to discontinue business as a facility-based grain buyer at Hague, North Dakota, effective August 5, 2003.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-262-03-456
ADM Edible Bean Specialties, Inc.
License No. 1083 - Barney, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-262-03-456 granting the request of ADM Edible Bean Specialties, Inc. to discontinue business at Barney, North Dakota, effective August 1, 2003.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-2910-03-454
Hague Elevator Co., Inc. dba Hague
Elevator Co.
Grain Warehouse - Hague, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-2910-03-454 granting the request of Hague Elevator Co., Inc. doing business as Hague Elevator Co. to operate a 215,000 bushel grain warehouse at Hague, North Dakota, effective August 5, 2003.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-2395-03-455
Arnegard Elevator, LLP
Change in Work Hours - Arnegard, ND
Approval

Mr. Clark: I move the Commission issue an order in Case No. GE-2395-03-455 granting the request of Arnegard Elevator, LLP to change its work hours at its Arnegard, North Dakota warehouse. The warehouse will be open by appointment only.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-891-03-457
ConAgra Foods, Inc.
Facility-Based Grain Buyer - Glenfield
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-891-03-457 granting the request of ConAgra Foods, Inc., Omaha, Nebraska, to discontinue business as a facility-based grain buyer at Glenfield, North Dakota, effective August 1, 2003.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-458
Roving Grain Buyer - Kings, Inc.
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case Nos. GE-587-03-458, GE-587-03-459, and GE-587-03-460 acknowledging the automatic discontinuance of business effective August 1, 2003, of Kings, Inc., Carrington, North Dakota, Earthwise Processors, LLC, Moorhead, Minnesota, and Brush Creek Organic Foods, LLC, Beulah, North Dakota, for failing to file the required roving grain buyer license renewal in a timely manner.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-459
Roving Grain Buyer - Earthwise
Processors, LLC
Discontinue Business

Case No. GE-587-03-460
Roving Grain Buyer - Brush Creek
Organic Foods LLC
Discontinue Business

Case No. GE-143-03-465
Heartland, Inc.
License No. 63 - Bismarck, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-143-03-465 granting the request of Heartland, Inc. to discontinue business at Bismarck, North Dakota, effective August 11, 2003.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-1943-03-466
Hubbard Feeds, Inc.
Grain Warehouse - Bismarck, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-1943-03-466 granting the request of Hubbard Feeds, Inc. to operate a 477,000 bushel grain warehouse at Bismarck, North Dakota, effective August 11, 2003.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-405
Otter Tail Corporation
August 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-2805-03-405, Otter Tail Corporation's Electric Fuel Cost Adjustment for August 2003.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-03-437
Northern States Power Company
August 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for August 2003, Case No. PU-400-03-437.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-822-03-226
BNI Coal, Ltd
Notice of Violation No. 0302
Violation

Mrs. Wefald: I move the Commission adopt the Hearing Officer's Recommended Order on the Informal Conference in Case No. RC-822-03-226, affirming the violation and civil penalty of \$500 for Notice of Violation No. 0302 issued to BNI Coal, Ltd.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-03-446
Northern States Power Company
August 2003
Purchased Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for August 2003, Case No. PU-400-03-446.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2840-03-113
Lehigh Road Phase VIII
2003-2006 AML Construction
Project

Mr. Cramer: I move the Commission close out Contract No. AM-460-03 with GEOSERV, Inc., 3100 East Broadway Avenue, Bismarck, North Dakota 58502 for material testing services at the Lehigh Road Phase VIII abandoned mine land project in Stark County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2841-03-114
Beulah/Zap Phase VII
2003-2006 AML Construction
Project

Mr. Clark: I move the Commission close Contract No. AM-454-03 with Thiem Drilling, 1502 West Broadway, Williston, ND 58801 for construction services at the Beulah/Zap Phase VII abandoned mine land site in Mercer County.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2841-03-114
Beulah/Zap Phase VII
2003-2006 AML Construction
Project

Mr. Cramer: I move the Commission close Contract No. AM-455-03 with GEOSERV, Inc. 3100 E. Broadway Avenue, Bismarck, North Dakota 58502 for material testing services at the Beulah/Zap Phase VII abandoned mine land site in Mercer County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Testing & Safety Division
State Fee Policy Change

Mr. Clark: I move that the Public Service Commission revise the policy regarding Testing and Safety procedure for charging other state agencies for services provided.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Testing & Safety Division
Gas Pipeline Safety
Procedures & Enforcement Guide

Mr. Cramer: I move the Commission approve the amendments to the Testing & Safety Division's Procedures and Enforcement Guide (Section I - Gas Pipeline Safety).

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Web Site Information Sources

Mr. Clark: I move that the Public Service Commission request staff to develop text and consumer directions including a disclaimer for the North Dakota Public Service Commission Web Site to assist in making telecommunications comparisons instead of providing access to available sites.

Mr. Clark: "Aye."

Mrs. Wefald: "Nay."

Mr. Cramer: "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:50 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT