

April 14, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 14, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Clark: I move the minutes of March 31, and April 5, 2004, be approved.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Bills

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

National Conference of Regulatory Attorneys	250.00
ND Newspaper Association	425.66
CDW Government, Inc.	1,495.00
Kern & Associates, Inc.	587.50
William W. Binek	12.00
David Bickel	493.69
Stephan A. Schroeder	12.00
Mark Knell	128.74
Larry L. Larson	275.12
Richard Fillbrandt	237.15
Timothy A. Erdmann	630.25
Steve Kahl	475.91
Larry Reisenauer	73.27
William E. Dodd	18.00
Bruce A. Johnson	528.41
Mike Diller	1242.05
Susan Wefald	222.92
Kevin Hanson	11.25
Bill Eide	790.88
Phyllis G. Richter	648.07
JP Robbins	523.57
Leo D. Praus	404.80
Wayne Grangaard	671.48
Public Service Commission of Wisconsin-MARC	975.00
Perreault Construction, Inc.	2,050.00
NDSU—Restricted Fund Accounting	4,335.27
Facilities Management—2/04 UPS Charges	17.89
Office of Administrative Hearing	1,618.72
ND State Auditor's Office	638.00
ITD—3/04 Data Processing	1,855.61
ITD—3/04 Phone	1,422.75
Elan	7,246.21

Case No. RR-439-03-271
Rail Rates on Grain
Investigation
Amended Contract

Mr. Clark: I move that the Commission enter into an Amended Personal Service Contract with L.E. Peabody & Associates, Inc. of Alexandria, Virginia, to extend the end date of the contract from April 30, 2004, to June 30, 2004; PSC Case No. RR-439-03-271. The contract is for work associated with the rail rate investigation authorized by the 2003 Legislature.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-148
Otter Tail Corporation
Cogeneration/Small Power Producer
Rates
Suspend

Mr. Clark: I move the Commission suspend Otter Tail Corporation's Cogeneration/Small Power Producer Rates, Case No. PU-04-148.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-295
Local Competition
Investigation

Mr. Clark: I move the Commission continue indefinitely the stay in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2967-03-666
BEK Communications Cooperative, et al.
vs SmartNET, Inc.
Complaint
Notice of Rescheduled Hearing

Mr. Clark: I move the Commission issue a Notice of Rescheduled Hearing in BEK Communications Cooperative, et al vs. SmartNET, Inc. Complaint, Case No. PU-2967-03-666.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-157
Southwest Ag, Inc. - Roving Grain Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-157 granting the request of Southwest Ag, Inc. of Bowman, North Dakota, to discontinue business as a North Dakota roving grain buyer.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-138
Red River Telecom, Inc. et al.
Number Portability
Compliance
Dismiss

Mr. Clark: I move the Commission adopt the Order Dismissing Petition in Red River Telecom, Inc., et al's Number Portability Compliance proceeding, Case No. PU-04-138.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-120
Otter Tail Corporation
April 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-120, Otter Tail Corporation's Electric Fuel Cost Adjustment for April 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-123
Montana-Dakota Utilities Co., a
Division of MDU Re
April 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for April 2004, Case No. PU-04-123.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-136
Northern States Power Company
April 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for April 2004, Case No. PU-04-136.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-146
Otter Tail Corporation
Released Energy Tariff
Approval

Mrs. Wefald: I move the Commission approve tariff revisions filed by Otter Tail Corporation to extend the effectiveness of its Released Energy Tariff through June 21, 2006, with a continued requirement that the company include reports in fuel clause adjustment filings whenever seeking fuel clause recovery of customer compensations, Case No. PU-04-146.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-702-02-266
Coteau Properties Company
Permit NACT-0201
Application

Mrs. Wefald: I move the Commission conditionally issue Surface Coal Mining Permit No. NACT-0201 to the Coteau Properties Company to permit 17,051.9635 acres at the Freedom Mine. I also move the Commission approve bond riders to increase the bond area for the existing collateral and self bonds for the Freedom Mine to cover a portion of this permit area.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-702-03-609
Coteau Properties Company
Revision No. 17, Permit NACT-9001
Approval

Mrs. Wefald: I move the Commission approve Revision No. 17 to Surface Coal Mining Permit No. NACT-9001, held by the Coteau Properties Company at the Freedom Mine, to change the approved post-mining land use on 76 acres from cropland to native grassland and wetland.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-702-03-645
Coteau Properties Company
Revision No. 21, Permit NACT-8503
Approval

Mrs. Wefald: I move the Commission approve Revision No. 21 to Surface Coal Mining Permit No. NACT-8503, held by the Coteau Properties Company for the Freedom Mine, to add plans for a major haulroad that includes a bridge to access Permit NACT-0201, to add 10.4108 acres to the permit area, and to update legal information and operations and reclamation plans.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-144
Public Service Commission -
Reclamation Division
2005 Administration & Enforcement Grant
Application

Mrs. Wefald: I move the Commission submit the 2005 Administration and Enforcement Grant Application to the Office of Surface Mining for funding the coal mining regulatory program from July 1, 2004, to June 30, 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-149
Northern States Power Company
April 2004
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for April 2004, Case No. PU-04-149.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2937-03-548
Beulah/Zap Phase VIII
2004-2007 AML Construction Project
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 W Broadway, Williston, ND 58801 in the amount of \$231,900 for construction services at the Beulah/Zap Phase VIII abandoned mine land site in Mercer County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2938-03-549
Garrison Phase III
2004-2007 AML Construction Project
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota 58801 in the amount of \$206,800 for construction services at the Garrison Phase III abandoned mine land site in McLean County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2939-03-550
Columbus Phase VI
2004-2007 AML Construction Project
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Orrin A. Holen Construction, Inc., PO Box 319, McClusky, North Dakota 58463 in the amount of \$162,560 for construction services at the Columbus Phase VI abandoned mine land site in Burke County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2940-03-551
Belfield Phase I
2004-2007 AML Construction Project
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Hlebechuk Construction, Inc., PO Box 738, Belfield, North Dakota 58622-0738 in the amount of \$102,940.50 for construction services at the Belfield abandoned mine land site in Billings and Stark Counties.

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

Case No. AM-2941-03-552
Snake Road Phase I
2004-2007 AML Construction Project
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota 58801 in the amount of \$236,625 for construction services at the Snake Road Phase I abandoned mine land site in Ward County.

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

Case No. AM-04-154
Snake Road Phase I
Material Testing Services Contract
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to GEOSERV, Inc., 3100 East Broadway Avenue, Bismarck, North Dakota 58502 in the amount of \$6,599 for material testing services at the Snake Road Phase I abandoned mine land site in Ward County.

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

Case No. AM-04-155
Beulah/Zap Phase VIII
Material Testing Services Contract
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to GEOSERV, Inc., 3100 E. Broadway Avenue, Bismarck, North Dakota 58501 in the amount of \$12,299 for material testing services at the Beulah/Zap Phase VIII abandoned mine land site in Mercer County.

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

Case No. AM-04-156
Garrison Phase III
Material Testing Services Contract
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Material Testing Services, LLC, PO Box 634, Minot, North Dakota 58702 in the amount of \$9,430 for material testing services at the Garrison Phase III abandoned mine land site in McLean County.

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

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ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT