

May 12, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 12, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of April 27, 2004, be approved.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Bills

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

Great Capital Lunchroom	21.45
Public Service Commission of Wisconsin	650.00
FedEx	10.81
MNOPS, Central Region	175.00
Carrington Research Extension Center	35.00
ND Newspaper Association	163.86
BNC Insurance, Inc.	50.00
Richard Fillbrandt	514.73
Susan Richter	95.70
Timothy A. Erdmann	707.60
Bruce Johnson	18.00
David Bickel	24.00
Larry Larson	12.00
Guy Welch	24.00
James R. Deutsch	549.29
Bill Eide	688.88
Larry Reisenauer	12.00
Mark Knell	18.00
Dean K. Moos	103.70
Stephan A. Schroeder	34.00
William E. Dodd	18.00
JP Robbins	387.94
Phyllis G. Richter	759.45
Leo D. Praus	235.44
Wayne Grangaard	532.91
Susan E. Wefald	142.74
Kern & Associates, Inc.	1,117.45
Snavely King Majoros O'Connor & Lee, Inc.	1,825.29
Office of Administrative Hearing	309.17
Attorney General	284.78
DOT	11,784.45
Elan	3,319.79

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission adopt the Order Granting Trade Secret Protection to SmartNet, Inc. in the BEK Communications Cooperative, et al vs. SmartNET, Inc. Complaint, Case No. PU-2967-03-666.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-122
Otter Tail Corporation
Bruce G. Satrom - Hope, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Bruce G. Satrom for a flour mill site near Hope, North Dakota, Case No. PU-04-122.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-192
Merle J. Clark - AU & AC License
Suspension/Revocation
Reinstate

Mr. Cramer: I move the Commission issue an order in Case No. AU-04-192 reinstating auctioneer license number 449 and auction clerk license number 336 of Merle J. Clark of Marmarth, North Dakota. Bond requirements have now been met.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-221
Kenneth Smykowski - Auctioneer
License
Suspension/Revocation
Notice of Opportunity for Hearing

Mr. Cramer: I move the Commission issue an order in Case No. AU-04-221 suspending auctioneer license number 589 of Kenneth J. Smykowski, Cayuga, North Dakota, for lack of adequate bond coverage and issue a Notice of Opportunity for Hearing on the matter.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-217
Farmers Equity Elevator Association
License No. 480 - New Rockford, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-217 granting the request of Farmers Equity Elevator Association to discontinue business at New Rockford, North Dakota, effective May 5, 2004.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-218
Fessenden Cooperative Association
Grain Warehouse - New Rockford, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-218 granting the request of Fessenden Cooperative Association to operate a 694,000 bushel grain warehouse at New Rockford, North Dakota, effective May 5, 2004.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

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

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-167
Otter Tail Corporation
May 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-167, Otter Tail Corporation's Electric Fuel Cost Adjustment for May 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-188
Montana-Dakota Utilities Co., a
Division of MDU Re
May 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for May 2004, Case No. PU-04-188.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-203
Northern States Power Company
May 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for May 2004, Case No. PU-04-203.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-758-03-525
Bellaire Corporation
Bond Release No. 7, Permit NAIH-8201
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 7 to Surface Coal Mining Permit No. NAIH-8201, held by the Bellaire Corporation for the Indian Head Mine, to release all remaining reclamation liabilities on 208.29 acres of land located in portions of Sections 17, 20, and 21, T144N, R88W, Mercer County. The amount of the bond release is \$79,650 and it will become effective June 14, 2004, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-110
Neil Effertz
Auction License
Investigation
License Renewal

Mrs. Wefald: I move the Commission issue an Order in Case No. AU-04-110 renewing Auctioneer License No. 425 to Neil Effertz and renewing Auction Clerk License No. 335 to Auction Effertz Ltd.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-211
Northern States Power Company
May 2004
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for May 2004, Case No. PU-04-211.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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Case No. GS-04-11
North Dakota One-Call
CY2004 - Grant R07905
Intent to Award a Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Odney Advertising Agency, PO Box 2035, Bismarck, North Dakota 58502 in the amount of \$21,400 for a state wide television media buy using North Dakota One Call Grant funds.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:55 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT