

May 26, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 26, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of May 12, 13, and 20, 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:

Smokemasters Inc..Chad's Carpet Cleaning	245.00
ND Interactive Video Network	335.00
ND Newspaper Association	283.29
Thiem Drilling, Inc.	6,128.55
Great Capital Lunchroom	51.35
William W. Binek	964.55
Kathy Fortney	596.41
Cellular One	202.52
Jensen Travel	787.90
L.E. Peabody & Associates, Inc.	33,188.72
Leo D. Praus	443.20
Sybase Inc.	6,774.00
Facilities Management – 4/04 postage	886.80
HRMS – performance appraisal training	200.00
ITD – 4/04 phone charges	1,338.08
ITD – 4/04	1,853.82
Central Services – 4/04 supplies	418.66
Facilities Management – 4/04 UPS	16.65
Central Services – 4/04 printing	144.86

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-98
ACN Communication Services, Inc
Local Exchange
Public Convenience & Necessity
Withdrawal

Mr. Cramer: I move the Commission grant ACN Communication Services, Inc.'s request to withdraw its application to provide facilities based competitive local exchange telecommunication services in North Dakota, Case No. PU-04-98.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-225
Cognigen Networks, Inc.
Long Distance Reseller
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to Cognigen Networks, Inc. to resell interexchange telecommunications services in North Dakota, Case No. PU-04-225.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-171
Otter Tail Corporation
Doug Schmit, Oakes, 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 Doug Schmit for a quonset site near Oakes, North Dakota, Case No. PU-04-171.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-172
Otter Tail Corporation
Fargo Electric Construction, Fargo, 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 Fargo Electric Construction for a sign lighting site near Casselton, North Dakota, Case No. PU-04-172.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-173
Montana-Dakota Utilities Co., a
Division of MDU
Anselm Ternes, Mandan, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Anselm Ternes for a residential site near Mandan, North Dakota, Case No. PU-04-173.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-186
Otter Tail Corporation
Keith Veil, Jamestown, 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 Keith Veil for a machine shop site near Jamestown, North Dakota, Case No. PU-04-186.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-223
Basin Cooperative Services
Extension 23, Permit 29
Approval

Mr. Cramer: I move that the Commission approve Reclamation Period Extension No. 23 for Surface Coal Mining Permit No. 29, held by Basin Cooperative Services, to extend the reclamation period on 151.3 acres of reclaimed land at the Glenharold Mine until May 31, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification
Approval

Mr. Cramer: I move the Commission approve the blaster certification of the following applicants:

<u>Applicant</u>	<u>Affiliation</u>	<u>Certificate No.</u>
Brian Hartman	Falkirk Mining Co.	04-05-268
Delvin W. Striha	Falkirk Mining Co.	04-05-269
Peter A. Cameron	BC Fry Companies	04-05-270
Roy E. Marshall	BC Fry Companies	04-05-271

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

Case No. AU-04-221
Kenneth Smykowski - Auctioneer
License
Suspension / Revocation

Mr. Cramer: I move the Commission issue an order in Case No. AU-04-221 reinstating auctioneer license number 589 of Kenneth Smykowski, Cayuga, North Dakota. Bond requirements have now been met.

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

Case No. AU-04-236
Gene H. Wing - Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Gene H. Wing, Stanley, North Dakota.

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

Case No. PU-04-107
Comtech 21, LLC
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue certificates of public convenience and necessity to Comtech 21, LLC to provide facilities based competitive local exchange telecommunication services in North Dakota.

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

Case No. PU-04-212
Telecommunications Relay Service
Misc. Case

Mr. Clark: I move the commission publish notice of the 2004-2005 Telecommunications Relay Service Surcharge in the daily newspapers of general circulation in the state of North Dakota.

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

Case No. PU-04-220
Qwest Corporation
Performance Indicator Definitions
Approval
Notice of Opportunity

Mr. Clark: I move the Commission issue a Notice of Opportunity to File Written Comments and Notice of Opportunity for Hearing in Case No. PU-04-220, Qwest Corporation's Performance Indicator Definitions.

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

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

Mrs. Wefald: I move the Commission schedule a formal hearing on the decision to issue Surface Coal Mining Permit No. NACT-0201 to the Coteau Properties Company to permit 17,051.9635 acres at the Freedom Mine.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-100
Coteau Properties Company
Renewal No. 4, Permit NACT-8401
Approval

Mrs. Wefald: I move the Commission approve Renewal No. 4 to Surface Coal Mining Permit No. NACT-8401, held by the Coteau Properties Company, to extend the permit term another five years, until July 3, 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Office of Surface Mining
2003 Evaluation Report
Coal Mining Regulatory Program

Mrs. Wefald: I move the Commission accept the Office of Surface Mining's 2003 Annual Evaluation Report for the Coal Mining and Reclamation Regulatory Program.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-227
Montana-Dakota Utilities Co., a
Division of MDU
June 2004
Cost of Gas Adj./Natural Gas

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s Natural Gas Cost of Gas Adjustment for June 2004, Case No. PU-04-227.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-230
Great Plains Natural Gas Co.
May 2004
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for May 2004, Case No. PU-04-230.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2829-03-83
ITC Group/DCN/Illuminet
vs Qwest Corporation
Complaint
Valuation Billing

Mr. Cramer: I move the Commission bill the parties for costs incurred to date in Case No. PU-2829-03-83, ITC Group/DCN/Illuminet vs Qwest Corporation, Complaint.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:00 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT

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