

January 12, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 12, 2005, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Reorganization of Commission
Nomination of President

Mrs. Wefald: I move that Commissioner Clark serve as President of the Public Service Commission for the next two years.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Acting Executive Secretary Authorization

Mr. Clark: I move that Binek be authorized to act as executive secretary in the absence of the executive secretary.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Reassignment of Portfolios

Mr. Clark: I move that Commission portfolios for the next two year be allocated as follows:

Commissioner Clark – telecommunications, licensing (includes grain and auctioneers), railroads.

Commissioner Wefald – electric utilities and transmission, weights and measures, abandoned mine land reclamation, consumer affairs.

Commissioner Cramer – gas utilities, active mine reclamation, pipeline companies.

Mr. Cramer: I second the motion.

Roll Call: Mr. Cramer "Aye."

Mr. Clark "Aye."

Mrs. Wefald "Nay."

Minutes

Mr. Cramer: I move the minutes of December 30, 2004, and January 5, 2005, 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:

ND Newspaper Association	926.29
FedEx	12.00
Ronald G. Harnden, Inc.	955.00
Presort Plus	13.38
NDMCA	60.38
William E. Dodd	60.00
Bruce Beechie	12.00
Mark Knell	44.00
Timothy Erdmann	72.00
Larry L. Larson	12.00
David Bickel	6.00

Bills Continued

Guy Welch	6.00
Dean K. Moos	590.08
Stephan A. Schroeder	12.00
Bill Eide	166.32
Wayne Grangaard	386.53
Phyllis G. Richter	88.93
Bruce A. Johnson	622.35
Anthony T. Clark	40.84
Office of Administrative Hearings	609.30
Facility Management	715.42
Central Supply	87.51
OMB – Central Duplicating	68.66

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

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

Mr. Cramer: I move the Commission approve Qwest Corporation's filing, Case No. PU-2342-01-296 and Case No. PU-04-581 of a 6th Revision 5th Amended Exhibit A to the North Dakota Statement of Generally Available Terms and Conditions, filed in compliance with the Commission's October 8, 2004 order, that will take effect 60 days after the date the final version of the Exhibit A filing was submitted to the Commission, conditioned upon Qwest filing a version of the Minnesota UNE descriptions adapted to the UNEs available in North Dakota within 30 days after the final version of the Exhibit A filing.

Case No. PU-04-581
Qwest Corporation
Statement of Generally Available
Terms - Exhibit A
Revision

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

Case No. PU-04-678
Budget Phone, Inc.
Long Distance/Local Exchange
Reseller
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to Budget Phone, Inc. to resell interexchange and local exchange telecommunications services in North Dakota, Case No. PU-04-678.

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

Case No. GS-04-42
Gas Pipeline Safety
Rulemaking

Mr. Cramer: I move the Commission adopt the Order Submitting Rules to Attorney General for an opinion as to legality and whether they conflict with any other state law or rule, Case Nos. WM-04-334 and GS-04-42.

Case No. WM-04-334
Weights and Measures
Rulemaking

Article 69-09
Amendments to Gas Safety
Article 69-10Amendments to Weights and Measures
Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-05-3
Northern States Power Company
Cogeneration/Small Power Producer
Rates

Mr. Cramer: I move the Commission approve Northern States Power Company's Cogeneration/Small Power Producer rates, Case No. PU-400-05-3.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-664
Basin Cooperative Services
Extensions 23 and 24, Permit 19A
Approval

Mr. Cramer: I move the Commission approve Reclamation Period Extension No. 24 for Site No. 1 and Extension No. 23 for Site No. 2 within Surface Coal Mining Permit 19A held by Basin Cooperative Services. These extensions will allow Basin Cooperative Services to continue to manage 179.78 acres of reclaimed land at the Glenharold Mine until January 1, 2006.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-5
Christopher R. Bair - Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Christopher R. Bair, Buxton, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-17
Carl J. Radde - Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Carl J. Radde, Cologne, Minnesota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-637
Budget Phone, Inc.
Local/Interexchange
Public Convenience & Necessity
Notice of Opportunity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the captioned application for certificates of public convenience and necessity to provide telecommunication services in North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-513
Midwest Marketing, Inc.
Ex Parte Cease & Desist

Mr. Clark: I move the Commission issue a Notice of Hearing in Case No. GE-04-513, Public Service Commission, Midwest Marketing, Inc., Ex Parte Cease & Desist, and Case No. GE-04-514, Public Service Commission vs. Midwest Marketing, Inc., Complaint.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-514
vs. Midwest Marketing, Inc.
Complaint
Notice of Hearing

Case No. GE-04-679
Earthwise Processors, LLC
Suspension/Revocation
Notice of Opportunity

Mr. Clark: I move the Commission issue an order in Case No. GE-04-679 suspending roving grain buyer license number 3084 of Earthwise Processors, LLC, Moorhead, Minnesota, for lack of an adequate bond filing and issue a Notice of Opportunity for Hearing on the matter.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-680
Earth Harvest Mills, Inc.
Grain Warehouse - Harvey, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-680 granting the request of Earth Harvest Mills, Inc. to operate a 20,000-bushel grain warehouse at Harvey, North Dakota, effective December 30, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-648
Otter Tail Corporation
January 2005
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-648, Otter Tail Corporation's Electric Fuel Cost Adjustment for January 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-651
Montana-Dakota Utilities Co., a
Division of MDU Re
January 2005
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for January 2005, Case No. PU-04-651.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-671
Northern States Power Company
January 2005
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for January 2005, Case No. PU-04-671.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-822-03-527
BNI Coal, Ltd
Bond Release No. 6, Permit BNLS-8109
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 6 for Surface Coal Mining Permit No. BNLS-8109, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 320.04 acres located in Section 16, T162N, R94W, Burke County. The amount of the bond release is \$97,042.28 and it will become effective February 14, 2005, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-2
Northern States Power Company
January 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for January 2005, Case No. PU-05-2.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-4
Great Plains Natural Gas Co.
January 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for January 2005, Case No. PU-05-4.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:10 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT