

January 26, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 26, 2005, 10:00 a.m. Present were Commissioners Clark and Cramer.

Meeting Delay

Mr. Cramer: I move the Commission meeting recess until Commissioner Wefald is able to attend after completing legislative testimony and reconvene.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Reconvene Meeting

Commission meeting reconvened at 11:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of January 12, 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:

Cellular One	223.20
Anthony Clark	18.00
Leo Praus	410.40
Jerry Lein	334.34
Thiem Drilling, Inc.	8,991.05
Regional Oversight Committee	260.00
ND Geological Survey	174.58
ITD - microfilm	48.80
ITD	2,022.38
ITD – phone	1,464.85
Elan	11,448.00
DOT	8,700.49

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-23
IDT America, Corp.
Cellular Service Provider
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to IDT America, Corp. to provide cellular services in North Dakota, Case No. PU-05-23.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-31
CommPartners, LLC
Long Distance/Local Exchange
Reseller
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to CommPartners, LLC to resell interexchange and local exchange telecommunications services in North Dakota, Case No. PU-05-31.

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
Dismissal

Mr. Clark: I move the Commission adopt the Order approving the stipulations for dismissal filed by the parties in Case Nos. PU-2829-03-83 and PU-2432-03-361.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Case No. PU-04-546
Midcontinent Communications
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order granting the application of Midcontinent Communications for a certificate 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. PU-04-603
BullsEye Telecom, Inc.
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order granting the application of BullsEye Telecom, Inc. for a certificate of public convenience and necessity to provide telecommunications services in North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-627
Trans National Communications
International, Inc.
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order granting the application of Trans National Communications International, Inc. 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. PU-04-620
New Edge Network, Inc./Qwest
Corporation.
Commercial Line Sharing Agreement
Service Agreement(s)
Notice of Opportunity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the captioned applications for approval of service agreements.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-7
ACN Communication Services,
Inc./Qwest Corp.
Master Service Agreement
Service Agreement(s)

Case No. PU-05-25
OrbitCom, Inc./Qwest Corporation
Master Service Agreement
Service Agreement(s)
Notice of Hearing

Case No. PU-05-28
VCI Company
Designated Eligible Carrier
Application
Notice of Opportunity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the application of VCI Company d/b/a Vilaire for designation as an Eligible Telecommunications Carrier for receiving federal universal service support.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-540
Jeremy J. Ferderer, Auction Clerk Lic.
No. 477
Complaint
Notice of Hearing

Mr. Clark: I move the Commission issue a Notice of Hearing in Case No. AU-04-540, Public Service Commission, Complainant, vs. Jeremy J. Ferderer, Auction Clerk, and Capitol Indemnity Corporation, Respondents.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission issue an order in Case No. GE-04-679 reinstating roving grain license number 3084 issued to Earthwise Processors, LLC, Moorhead, Minnesota, effective January 19, 2005. A replacement bond has been filed.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-34
Tronson Grain Company
License No. 945 - Hamar, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-34 granting the request of Tronson Grain Company to discontinue business at Hamar, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-560
Montana-Dakota Utilities Co., a
Division of MDU
Corey Botner - Bismarck, ND
Public Convenience & Necessity
Notice of Hearing

Mrs. Wefald: I move the Commission issue a Notice of Rescheduled Hearing in Montana-Dakota Utilities Co.'s application for a Certificate of Public Convenience and Necessity to extend electric service to Corey Botner for a residential site near Bismarck, North Dakota, Case No. PU-04-560, rescheduling the hearing for April 4, 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-578
Northern States Power Company
Natural Gas Rate Increase
Application
Execute Contract

Mr. Cramer: I move the Commission execute a contract with Larkin & Associates, PLLC for consulting services in Northern States Power Company's Natural Gas Rate Increase Application, Case No. PU-04-578.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-16
Montana-Dakota Utilities Co., a
Division of MDU
February 2005
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for January 2005, Case No. PU-05-16.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-544
Falkirk Mining Company
Bond Release No. 2, Permit NAFK-9601
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 2 to Surface Coal Mining Permit No. NAFK-9601, held by the Falkirk Mining Company, to release part of the performance bond for the completion of grading and soil respreading on 419.7 acres in portions of Sections 25, T146N, R82W, and Sections 30 and 31, T146N, R81W, of McLean County, at the Falkirk Mine. The amount of the release is \$880,895.84 and will become effective February 25, 2005, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-663
GeoResources, Incorporated
Notice of Violation 0401
Violation
Informal Conference

Mr. Cramer: I move the Commission propose a civil penalty in the amount of \$400 for Notice of Violation No. 0401 issued to GeoResources, Inc. in Case No. RC-04-663, and schedule an informal conference on the matter.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Cramer: I move the Commission appoint Kevin Hanson State Metrologist/Assistant Director of the Testing & Safety Division and authorize a salary adjustment effective February 1, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-540
Jeremy J. Ferderer, Auction Clerk
Lic. No. 477
Complaint
Staff Appointment

Mr. Clark: I move the Commission appoint Bill Binek and Sue Richter as advocacy staff and Illona Jeffcoat-Sacco and Rick Fillbrandt as advisory staff in Case No. AU-04-450, Public Service Commission, Complainant, vs. Jeremy J. Ferderer, Auction Clerk, and Capitol Indemnity Corporation, Respondents.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:25 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT