

May 24, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 24, 2005, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of May 3, 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:

Jerry Lein	243.06
David Bickel	16.00
Guy Welch	12.00
Larry Larson	12.00
William Binek	6.00
Presort Plus	5.14
Thiem Drilling, Inc.	1,000.00
Sybase, Inc.	6,774.00
IL Pipeline Safety	200.00
FedEx	20.91
Grand Forks Herald	226.48
Basin Electric Power Coop Inc.	60,000.00
Wayne Grangaard	521.66
Quality Construction, Inc.	48,517.00
Jensen Travel	397.30
Dell USA	9,261.08
SDF Professional Computer, Inc.	4,870.00
Cellular One	248.95
Anthony T. Clark	199.73
Leo D. Praus – June advance	340.80
Hewlett-Packard Company	4,820.00
JP Robbins	2,560.44
Leo D. Praus	628.99
Phyllis G. Richter	611.75
ITD – 4/05 data processing	2,116.12
Office of Administrative Hearings	391.04
OMB – 4/05 postage	742.58
ITD – 4/05 phone charges	1,345.37
OMB – central supply	344.65
OMB – central duplicating	82.00
DOT – 4/05 motor pool	16,494.32
Elan	4,799.15

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-410-01-60  
Midstate Telephone Co.  
ETPF History  
Rates

Mr. Cramer: I move the Commission close this case.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-405-02-211  
Absaraka Co-op Tele. Co.  
ETPF Price Change/Banking - 2000  
Rates

Mr. Cramer: I move the Commission close this case.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-405-02-212  
Absaraka Co-op Tele. Co.  
ETPF Price Change/Banking - 2001  
Rates

Mr. Cramer: I move the Commission close this case.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-282  
Ztar mobile, Inc.  
Cellular/Personal Communications  
Service  
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to Ztar mobile, Inc. to provide cellular and personal communications services in North Dakota, Case No. PU-05-282.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-286  
Network Service Billing, Inc.  
Long Distance Reseller  
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to Network Service Billing, Inc. to resell interexchange telecommunications services in North Dakota, Case No. PU-05-286.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-287  
Network PTS, Inc.  
Long Distance/Operator Services  
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to Network PTS, Inc. to resell interexchange telecommunications services and to provide operator services in North Dakota, Case No. PU-05-287.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-273  
Judson Seaman  
Auctioneer  
Cancellation

Mr. Cramer: I move the Commission issue an order in Case No. AU-05-273 canceling auctioneer license Number 556 for Judson Seaman, Rapid City, SD.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-281  
Dwight DeLayne Lachenmeier  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Dwight DeLayne Lachenmeier, Medina, ND.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-292  
Sharon Stern dba M & S Auction  
Service  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Sharon Stern, Hebron, ND 58638.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-289  
Seed-Ex Inc.  
Roving Grain Buyer - Letellier, MB  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Seed-Ex, Inc., Letellier, Manitoba, Canada, effective June 1, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-297  
Vandaele Seeds Ltd.  
Roving Grain Buyer - Medora, MB  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Vandaele Seeds Ltd., Medora, Manitoba, Canada, effective June 1, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-223  
Montana-Dakota Utilities Co., a  
Division of MDU  
Mike Ames, Williston, 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 Mike Ames for a pumping site near Wildrose, North Dakota, Case No. PU-05-223.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-224  
Knife River Corporation  
Variance Request, Permit No. KRGC-8101  
Approval

Mr. Cramer: I move the Commission approve a variance to the ten year performance bond liability period for approximately 11 acres of reclaimed land in portions of Sections 34 and 35, T131N, R99W, in Surface Coal Mining Permit No. KRGC-8101 held by the Knife River Corporation for the Gascoyne Mine.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-184  
Plains Pipeline, L.P.  
Trenton Station Extension/McKenzie  
County  
Siting Application

Mr. Cramer: I move the Commission assess a filing fee of \$5,000 in Case No. PU-05-184, Plains Pipeline, L.P.'s Trenton Station Extension in McKenzie County, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-185  
Plains Pipeline, L.P.  
Buford Loop/McKenzie County  
Siting Application

Mr. Cramer: I move the Commission assess a filing fee of \$7,500 in Plains Pipeline, L.P.'s Case No. PU-05-185, Plains Pipeline, L.P.'s Buford Loop in McKenzie County, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission issue a Notice of Hearing in the application of VCI Company d/b/a Vilaire for designation as an Eligible Telecommunications Carrier for receiving federal universal service support, Case No. PU-05-28.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-229  
Ernest Communications, Inc.  
Local Exchange  
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the captioned applications 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-05-300  
SBC Long Distance, LLC  
Local Exchange  
Public Convenience & Necessity  
Notice of Hearing

Case No. PU-05-262  
Telecommunications Relay Service  
Misc. Case

Mr. Clark: I move the commission publish notice of the 2005-2006 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-05-272  
Midcontinent Communications  
Designated Eligible Carrier  
Application  
Notice of Hearing

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the application of Midcontinent Communications 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. GE-05-288  
Archer-Daniels-Midland Company  
Grain Warehouse - Hensler, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-05-288 granting the request of ADM-BQ a division of Archer Daniels Midland Company to operate a 690,000-bushel grain warehouse at Hensler, North Dakota, effective June 1, 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-290  
vs. Hatton Processing & Exporting  
Company  
Complaint

Mr. Clark: I move the Commission find the Complaint in Case No. GE-05-290, Public Service Commission, Complainant, vs. Hatton Processing & Exporting Company, Respondent, states a prima facie case and serve it on the party.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-47  
PPM Energy, Inc.  
Rugby Wind Farm - Pierce County  
Siting Application

Mrs. Wefald: I move the Commission assess filing fees of \$85,000 due upon filing an application for a certificate of site compatibility, and \$13,750 due upon filing transmission line corridor and route applications for PPM Energy, Inc.'s 150 MW wind farm near Rugby, North Dakota, Case No. PU-05-47.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-205  
FPL Energy Burleigh County Wind, LLC  
230kV Transmission Line - Burleigh  
County  
Siting Application

Mrs. Wefald: I move the Commission assess a filing fee of \$25,000, due June 1, 2005, in Case No. PU-05-205, FPL Energy Burleigh County Wind, LLC's 230 kV transmission line in Burleigh County, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-230  
Otter Tail Corporation  
May 2005  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-05-230, Otter Tail Corporation's Electric Fuel Cost Adjustment for May 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-251  
Montana-Dakota Utilities Co., a  
Division of MDU  
May 2005  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for May 2005, Case No. PU-05-251.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-259  
Northern States Power Company  
May 2005  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for May 2005, Case No. PU-05-259.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-279  
Otter Tail Corporation  
Power Purchase/Rule Standard  
Deviation  
Application  
Notice of Hearing

Mrs. Wefald: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Corporation's Power Purchase/Rule Standard Deviation application, Case No. PU-05-279.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Mrs. Wefald: I move the Commission close Contract No. AM-486-04 with Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota, 58801 for construction services at the Garrison Phase III abandoned mine land site in McLean County.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-260  
Northern States Power Company  
May 2005  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for May 2005, Case No. PU-05-260.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-263  
Great Plains Natural Gas Co.  
May 2005  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for May 2005, Case No. PU-05-263.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-274  
Enbridge Pipelines (North Dakota) LLC  
Crude Oil Pumping Stations-McKenzie-  
Williams Cty.  
Siting Application  
Notice of Hearing

Mr. Cramer: I move the Commission acknowledge Enbridge Pipelines (North Dakota) LLC's letter of intent to construct a pumping station and upgrade two other pumping stations on its Beaver Lodge to Alexander Station crude oil pipeline in McKenzie and Williams Counties, waive the waiting period for filing a siting application, assess a filing fee of \$16,000, and issue a Notice of Opportunity for Hearing in Enbridge Pipelines (North Dakota) LLC's application for an amended route permit, Case No. PU-05-274.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-277  
Montana-Dakota Utilities Co., a  
Division of MDU  
June 2005  
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 2005, Case No. PU-05-277.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-04-614  
North Dakota One-Call  
CY2005 - R07906  
Application

Mr. Cramer: I move the Commission execute a contract with Movie Ad Media, Inc. in the amount of \$7,400 for CY2005 One-Call on-screen advertising in the Minot, Grand Forks, Dickinson, Devils Lake and Bismarck, ND.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-58  
Coteau Properties Company  
Revision No. 23, Permit NACT-8503  
Approval

Mr. Cramer: I move that the Commission approve Revision No. 23 to Surface Coal Mining Permit No. NACT-8503, held by the Coteau Properties Company for the Freedom Mine, to delete 11.3413 acres from the permit, add design plans for three permanent stock ponds, modify an existing sedimentation pond, and revise mining and reclamation plans.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-275  
2006 Administration and Enforcement  
Grant  
Application

Mr. Cramer: I move the Commission submit the 2006 Administration and Enforcement Grant Application to the Office of Surface Mining for funding the coal mining regulatory program from August 1, 2005, to June 30, 2006.

Mrs. Wefald: 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)  
Valuation Billing

Mr. Cramer: I move the Commission bill New Edge Network, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-04-620, New Edge Network, Inc./Qwest Corporation, Commercial Line Sharing Agreement, Service Agreement(s).

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-637  
Budget Phone, Inc.  
Local/Interexchange  
Public Convenience & Necessity  
Valuation Billing

Mr. Cramer: I move the Commission bill Budget Phone, Inc. for costs incurred to date in Case No. PU-04-637, Budget Phone, Inc., Local/Interexchange, Public Convenience and Necessity.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission bill ACN Communication Services, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-05-7, ACN Communication Services, Inc./Qwest Corporation, Master Service Agreement, Service Agreement(s).

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-25  
OrbitCom, Inc./Qwest Corporation  
Master Services Agreement  
Service Agreement(s)  
Valuation Billing

Mr. Cramer: I move the Commission bill OrbitCom, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-05-25, OrbitCom, Inc./Qwest Corporation, Master Service Agreement, Service Agreement(s).

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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Case No. GE-05-290  
vs. Hatton Processing & Exporting  
Company  
Complaint  
Staff Appointments

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. GE-05-290, Public Service Commission, Complainant, vs. Hatton Processing & Exporting Company, Respondent.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Infant in the Workplace Policy

Mr. Clark: I move the Commission approve PSC Policy 3-15-05 (0), Infant in the Workplace.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.

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Executive Secretary

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TONY T. CLARK, PRESIDENT