

October 18, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 18, 2005, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of October 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	105.32
Mike Diller	78.06
William W. Binek	78.06
Perreault Construction, Inc.	2,500.00
Thiem Drilling, Inc.	91,852.60
Material Testing Services, LLC	14,530.00
Thiem Drilling, Inc.	5,500.00
OMB–postage 9/05	1,387.31
OMB–central supply 9/05	138.20
ITD–9/05 rate chgs	1,386.52
Office of Administrative Hearings	3,448.16
ITD–9/05 DP service fee	6,123.67
OMB–9/05 ups	14.29

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-559

Josh Moch
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Josh Moch, Napoleon, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-05-550

Mohall Central Railroad, Inc.
Rail Line Transfer
Compliance

Mr. Cramer: I move that the Commission close its investigation into the proposed transfer of approximately 70 miles of North Dakota rail line between Lakota, North Dakota and Sarles, North Dakota from BNSF Railway Company to Mohall Central Railroad, Inc. without taking an official position on the proposal before the federal Surface Transportation Board.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-165
DIECA Communications, Inc.
Interconnection Arbitration
Application

Mr. Cramer: I move the Commission admit attorney Gregory Diamond to practice before the Commission in Case No. PU-05-165, DIECA Communications, Inc.'s Interconnection Arbitration application.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-528
Montana-Dakota Utilities Co., a
Division of MDU
Jamie Zins, McKenzie, 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 Jamie Zins for a residential site near McKenzie, North Dakota, Case No. PU-05-528.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-530
Otter Tail Corporation
Testing Plan for kWh Meters
Tariff

Mr. Cramer: I move the Commission approve Otter Tail Corporation's Testing Plan for kWh Meters tariff, Case No. PU-05-530.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-547
Northern States Power Company
Natural Gas Extension Policy
Tariff
Suspend

Mr. Cramer: I move the Commission suspend Northern States Power Company's Natural Gas Extension Policy tariff, Case No. PU-05-547.

Mr. Clark: 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)

Mr. Clark: I move the Commission adopt the Order in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-450
Midcontinent Communications/Dakota
Central Telecom I
Rural Exemption
Investigation
Dismissal

Mr. Clark: I move the Commission adopt the Order of Dismissal in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-544
Red River Rural Telephone Association
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in the captioned applications for certificates of public convenience and necessity to provide telecommunication services in North Dakota and for designation as an Eligible Telecommunications Carrier for receiving federal universal service support.

Case No. PU-05-545
Red River Rural Telephone Association
Designated Eligible Carrier
Application
Notice of Opportunity for Hearing and
Notice of Informal Hearing

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

Case No. PU-05-546
Qwest Corporation vs.
Absaraka Co-operative Telephone Co.
Inc. et al.
Complaint

Mr. Clark: I move the Commission find the complaint states a prima facie case, and serve the complaint on Absaraka Co-operative Telephone Company, Inc., et. al.

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

Case No. GE-05-564
Thompson Farmers Co-operative
Elevator Company
License No. 1160 - Grand Forks, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-564 granting the request of Thompson Farmers Co-operative Elevator Company to discontinue business at Grand Forks, North Dakota.

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

Case No. GE-05-565
Grand Forks Bean Company, Inc.
Grain Warehouse - Grand Forks, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-05-565 granting the request of Grand Forks Bean Company, Inc. to operate a 199,000-bushel grain warehouse at Grand Forks, North Dakota, effective immediately.

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

Public Service Commission
Attorney General's Opinion
Internet Auctions

Mr. Clark: I move the Commission acknowledge its request for an Attorney General's opinion concerning the need for an auctioneer or auction clerk license to sell items for others via the Internet.

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

Case No. PU-05-305
PPM Energy, Inc.
230 kV Transmission Line
Siting Application
Transmission Line Plan

Mrs. Wefald: I move the Commission approve the final transmission line plan and profile drawings.

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

Case No. PU-05-551
Capital Electric Cooperative Inc. vs
Montana-Dakota Utilities Co.
Complaint
Notice of Hearing

Mrs. Wefald: I move the Commission find the complaint states a prima facie case, and serve the complaint on Montana-Dakota Utilities Co. and issue a Notice of Hearing in Case No. PU-05-551 Capital Electric Cooperative, Inc. vs. Montana-Dakota Utilities Co.

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

Case No. WM-05-340
Fairbanks Scales
Complaint
Penalty

Mrs. Wefald: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order and assess a penalty in Case No. WM-05-340.

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

Case No. AM-04-599
Garrison Phase 4
2005 AML Construction Project
Close Contract

Mrs. Wefald: I move the Commission close Contract No. AM-504-05 with Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota 58801 for construction services at the Garrison Phase 4 abandoned mine land site in McLean County.

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

Case No. AM-04-599
Garrison Phase 4
2005 AML Construction Project
Close Contract

Mrs. Wefald: I move the Commission close out Contract No. AM-505-05 with Material Testing Services, LLC, PO Box 634, Minot, North Dakota 58702 for material testing services at the Garrison Phase 4 abandoned mine land site in McLean County.

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

Case No. AM-05-500
AML Maintenance
2005 AML Construction Project
Intent to Award Contract

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Ed Texley dba Circle T Custom Dirt Work, 1405 5th Ave NE, Hettinger, ND 58639 in the amount of \$21,220 for construction services at the Haynes II abandoned mine land site in western North Dakota.

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

Abandoned Mine Lands Division
Federal Oversight Report

Mrs. Wefald: I move the Commission accept the Office of Surface Mining Reclamation and Enforcement Annual Evaluation Summary Report for the Abandoned Mine Lands Program administered by the State of North Dakota for the Evaluation Year of July 1, 2004 to June 30, 2005.

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

Annual Public Contact Report

Discussion Item Only

Case No. PU-05-193
Otter Tail Corporation
Cogeneration/Small Power Producer
Rates

Mrs. Wefald: I move the Commission approve Otter Tail Corporation's Cogeneration/Small Power Producer Rates, Case No. PU-05-193.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-548
Northern States Power Company
October 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for October 2005, Case No. PU-05-548.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-549
Great Plains Natural Gas Co.
October 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for October 2005, Case No. PU-05-549.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-555
Montana-Dakota Utilities Co., a
Division of MDU
November 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 November 2005, Case No. PU-05-555.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-556
Montana-Dakota Utilities Co., a
Division of MDU
November 2005
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for November 2005, Case No. PU-05-556.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-170
American Colloid Co.
Revision No. 4, Permit ACPG-9701
Application

Mr. Cramer: I move the Commission approve Revision No. 4 to Surface Coal Mining Permit ACPG-9701 held by the American Colloid Company to add 325.94 acres to this permit for the Page Mine and to update the appropriate sections of the permit to reflect the added area.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-401
Dakota Westmoreland Corporation
Revision No. 22, Permit KRSB-8802
Approval

Mr. Cramer: I move the Commission approve Revision No. 22 to Surface Coal Mining Permit No. KRSB-8802, held by the Dakota Westmoreland Corporation for the Beulah Mine, to identify the next five-year coal removal area, update legal and property ownership information, operations and reclamation plans, and other sections of the permit for the next five-year permit term.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-402
Dakota Westmoreland Corporation
Renewal No. 3, Permit KRSB-8802
Approval

Mr. Cramer: I move the Commission approve Renewal No. 3 to Surface Coal Mining Permit No. KRSB-8802, held by the Dakota Westmoreland Corporation for the Beulah Mine, to extend the permit term another five years, until October 23, 2010.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-28
VCI Company
Designated Eligible Carrier
Application
Valuation Billing

Mr. Cramer: I move the Commission bill VCI Company for costs incurred to date in Case No. PU-05-28, VCI Company, Designated Eligible Carrier, Application.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission bill Ernest Communications, Inc. for costs incurred to date in Case No. PU-05-229, Ernest Communications, Inc., Local Exchange, Public Convenience & Necessity.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-272
Midcontinent Communications
Designated Eligible Carrier
Application
Valuation Billing

Mr. Cramer: I move the Commission bill Midcontinent Communications for costs incurred to date in Case No. PU-05-272, Midcontinent Communications, Designated Eligible Carrier, Application.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-300
SBC Long Distance, LLC
Local Exchange
Public Convenience & Necessity
Valuation Billing

Mr. Cramer: I move the Commission bill SBC Long Distance, LLC for costs incurred to date in Case No. PU-05-300, SBC Long Distance, LLC, Local Exchange, Public Convenience & Necessity.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Cramer: I move the Commission, consistent with the intent of the 2005 Legislature, grant position number 5001 a two percent salary increase effective October 1, 2005.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

IT Change Request

Mr. Cramer: I move the Commission approve the IT Change Request to comply with the North Dakota Insurance Department's State Bonding Fund audit practice requirements.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:35 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT