

November 7, 2007

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 7, 2007, 10:00 a.m. Present were Commissioners Wefald, Cramer and Clark.

Minutes

Mr. Cramer: I move the minutes of October 24, 2007, 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:

DLT Solutions, Inc.	1,624.56
Dell USA	4,999.00
Executive Air Taxi Corporation	2,620.80
FedEx	37.22
IMCC	85.00
Leo D. Praus	860.59
Phyllis G. Richter	888.22
Alan Moch	92.45
Kevin Cramer	263.50
James Deutsch	447.52
Susan E. Wefald	326.60
Kraig Nelson	37.50
Tim Oswald	80.00
Mark Knell	413.91
William E. Dodd	471.72
Stephan A. Schroeder	182.46
Guy Welch	45.00
Dean K. Moos	437.56
Bruce Johnson	35.00
Bruce Beechie	52.50
William W. Binek	15.00
Patrick Fahn	112.45
Rick Fillbrandt	1,396.89
Mike Diller	1,957.47
Timothy Erdmann	1,073.17
JP Robbins	920.58
Liberty Consulting Group	701.45
Springbok Services, Inc.	1,091.46
Aberdeen Flying Service	2,187.50
Wayne Grangaard	640.33
Springbok Services, Inc.	242.57
Hanson's Excavating, Inc.	5,040.00
Anthony Clark	7.50
NDPERS	160.00

Bills Continued

OMB . 10/07 supplies 213.67
GE Corporate Services 10,446.31

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

Case No. GS-07-24
Montana-Dakota Utilities Co./Great
Plains Natural Gas Co.
Request for Waiver
Approval

Mr. Cramer: I move the Commission issue a Notice
of Opportunity for Hearing in Montana-Dakota Utilities
Co./Great Plains Natural Gas Co. Request for Waiver
Approval, Case No. GS-07-24.

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

Case No. PU-07-727
Montana-Dakota Utilities Co., a
Division of MDU
November 2007
Fuel Cost Adjustment

Discussion Item Only

Case No. PU-07-736
Otter Tail Corporation
November 2007
Fuel Cost Adjustment

Case No. AM-07-73
Columbus
2007 Phase 8 Construction
Project

Mrs. Wefald: I move the Commission close-out
Contract No. AM-541-07 with Geray Dozing and
Excavating, Inc. for completion of construction services
at the Columbus Phase 8 abandoned mine land site in
Burke County.

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

Case No. AM-07-610
AML Maintenance
2007 Construction
Project

Mrs. Wefald: I move the Commission close-out
Contract No. AM-544-07 with Gary Morlock
Construction, Inc. for completion of construction services
at the Havelock abandoned mine land site in Hettinger
County.

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

Case No. PU-07-699
Great Plains Natural Gas Co.
October 2007
Cost of Gas Adjustment

Discussion Item Only

Case No. PU-07-700
Northern States Power Company
October 2007
Cost of Gas Adjustment

Case No. PU-07-713
Montana-Dakota Utilities Co., a
Division of MDU
November 2007
Cost of Gas/Propane

Case No. PU-07-714
Montana-Dakota Utilities Co., a
Division of MDU
November 2007
Cost of Gas/Natural Gas

Case No. PU-06-421
TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to
Sargent Cty
Siting Application

Mr. Cramer: I move the Commission adopt the Order on Request to Intervene and Reopen in TransCanada Keystone Pipeline, LP's application to construct a 30-inch crude petroleum pipeline in Cavalier to Sargent Counties, Case No. PU-06-421.

Case No. PU-07-152
TransCanada Keystone Pipeline, LP
Keystone Pipeline
Public Convenience & Necessity

Mr. Clark: I second the motion.
Roll Call: Mrs. Wefald votes "Nay".
Mr. Cramer votes "Aye".
Mr. Clark votes "Aye".

Commissioner Wefald's
Dissent and Concurring Opinion in Part

Mrs. Wefald: I voted no on this order because it sets bad precedence for the Commission to allow intervention at this very late stage in the process. The Commission must follow established legal procedures when making decisions on siting pipelines, and other siting cases. The Commission received the application from the City of Fargo to intervene and reopen the proceedings almost two months after all hearings had been completed, and after all late filed exhibits and proposed findings and fact and conclusions of law had been filed by existing parties with the Commission. Dakota Resource Council and the citizens it represents intervened in a timely manner and participated in all hearings. Mr. and Mrs. Capp intervened in a timely manner and participated in all hearings. It creates

Commissioner Wefald
Dissent and Concurring Opinion in Part
Continued

unacceptable regulatory uncertainty for the future for the Commission to so completely change the normal process of collecting information and making a decision in this case.

I am especially concerned about the impact this decision could have on parties with limited funds. Parties with limited funds do not have money to repeat steps in the procedure, and may be disadvantaged by actions of this kind by the Commission.

It was not necessary to take this very unusual step. The Administrative Law Judge in this case, Judge Al Wahl, sent information to the Commission setting out a process for the Commission to include information which it wished to consider in its final order. The process was to notice the information to the parties and provide an opportunity for the parties to comment and request a hearing if necessary to cross examine the person providing the information. The Commission is using this process for quite a few letters and comments it has received in the last few weeks. This process would also have worked well to incorporate the information received from the City of Fargo which has been docketed in this case in numbers 181,201, and 217.

Therefore, I disagree with Ordering Clause number one of the Commission's Order: The City of Fargo's Motion to Intervene as a Party and Motion to Reopen Proceedings for Case PU-06-421 is GRANTED.

I concur with Ordering Clauses two and three.

Susan E. Wefald, Commissioner

Case No. PU-06-421
TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to
Sargent Cty
Siting Application

Mr. Cramer: I move the Commission adopt the Notice of Intent to Consider Information Not Presented at a Hearing in TransCanada Keystone Pipeline, LP's application to construct a 30-inch crude petroleum pipeline in Cavalier to Sargent Counties, Case No. PU-06-421

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-07-735
Alchem, Ltd. LLLP
Temporary Warehouse Closure
Approval

Mr. Clark: I move the Commission issue an order in Case No. GE-07-735 granting the request of Alchem, Ltd. LLLP to temporarily close its Grafton, North Dakota warehouse until further notice.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-07-738
Archer Daniels Midland Company
Grain Warehouse - Russell, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-07-738 granting the request of Archer Daniels Midland Company, Decatur, Illinois, to operate a 158,000-bushel grain warehouse at Russell, North Dakota, effective October 29, 2007.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-07-38
Heartland Feed, Inc.
Tioga, ND
Insolvency

Mr. Clark: I move that the Commission recommend to the Court that the bond proceeds available in this case be used to pay the valid claimant based upon his valid claim; that payment be forwarded to this claimant as soon as possible; and that the Commission be reimbursed for expenses incurred in the administration of the insolvency.

I further move that the Commission request that the Court require the surety, Old Republic Surety Company, P.O. Box 1976, Des Moines, Iowa 50306-1976, to deposit the total bond proceeds in the amount of \$25,000 in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-07-739
Grabanski Grain, LLC
Grain Warehouse - Grafton, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-07-739 granting the request of Grabanski Grain, LLC to operate a 275,000-bushel grain warehouse at Grafton, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

New Employee

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Esther Jangula to fill PSC Position No. 4994, Administrative Assistant II, effective November 1, 2007, under the terms specified in the September 26, 2007 written offer of employment.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:32 P.M.

Executive Director

SUSAN E. WEFALD, PRESIDENT