

April 23, 2008

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 23, 2008, 10:00 a.m. Present were Commissioners Wefald, Cramer, Commissioner Clark participated by telephone and authorized his administrative assistant to sign the orders and contracts on his behalf.

Minutes

Mr. Cramer: I move the minutes of April 4, 9, 2008, 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:

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|---|-----------|
| Radey, Thomas, Yon, Clark | 14,650.00 |
| Snively King Majoros O'Connor & Lee, Inc. | 2,287.50 |
| ND Newspaper Association | 3,661.82 |
| Surplus Property Division | 1,900.00 |
| Alltel | 329.36 |
| JP Robbins | 275.67 |
| Grabanski Grain, LLC | 837.26 |
| DOT | 12,585.66 |
| OMB – 3/08 ups | 12.32 |
| OMB – 3/08 printing | 282.40 |
| ITD – 3/08 ph | 1,637.22 |
| ITD – 3/08 dp | 3,834.34 |
| GE Corporate Payment Services | 8,054.84 |

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-330

Enbridge Pipelines (North Dakota) LLC
Trenton to Beaver Lodge Pipeline -
Williams County
Siting Application

Mr. Cramer: I move the Commission approve Enbridge Pipelines (North Dakota) LLC's Tree & Shrub Restoration Plan with the condition that tree replacement be with 2-year-old saplings, and that somewhat less than 2-year-old saplings be used only when 2-year-old saplings cannot be purchased, Case No. PU-06-330.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-349

Enbridge Pipelines (North Dakota) LLC
Crude Oil Pump Stations-Mountrail,
McHenry, Ramsey, Grand Forks
Counties
Siting Application

Mr. Cramer: I move the Commission approve Enbridge Pipelines (North Dakota) LLC's Tree & Shrub Restoration Plan with the condition that tree replacement be with 2-year-old saplings, and that somewhat less than 2-year-old saplings be used only when 2-year-old saplings cannot be purchased, Case No. PU-06-349.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-96
Consolidated Telcom
Switched Access
Price Schedule

Mr. Cramer: I move the Commission approve Consolidated Telcom's switched access price schedule, Case No. PU-08-96.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-151
Lackawanna Products Corp.
Roving Grain Buyer - Clarence, NY
License Application

Mr. Cramer: I move the Commission approve the roving grain license application for Lackawanna Products Corp., of Clarence, New York, effective April 15, 2008.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-169
Byron Hansen
Auction Clerk License
Cancellation

Mr. Cramer: I move the Commission issue an order in Case No. AU-08-169 canceling auction clerk license number 550 issued to Byron Hansen, Washburn, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-170
Heather Thomsen
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Heather Thomsen, Baldwin, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-9
Columbus
2008 Phase 9 Construction
Project

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Gratech Company, Ltd. in the amount of \$1,160,963.04 for construction services at the Columbus, Phase 9, abandoned mine land project.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-10
Williams County Rd 9
2008 Phase 9 Construction
Project

Mrs. Wefald: I move the Commission issue an Intent to Award and award a contract to Material Testing Services, LLC, in the amount of \$27,040.00 for material testing at the Williams County Road 9, Phase 3, abandoned mine land project.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-10
Williams County Rd 9
2008 Phase 9 Construction
Project

Mrs. Wefald: I move the Commission issue an Intent to Award and award a contract to B & C Concrete Pumping, Inc. in the amount of \$628,577.50 for drilling and grouting at the Williams County Road 9, Phase 3, abandoned mine land project.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-48
Minnkota Power Coop., Inc.
Pillsbury-Fargo 230 kV
Transmission Line
Siting Application

Mrs. Wefald: I move the Commission adopt the Order Denying Intervention in Minnkota Power Cooperative, Inc.'s application to site a Pillsbury to Fargo 230 kV Electric Transmission Line in Barnes, Cass and possibly Steele Counties of North Dakota, Case No. PU-08-48.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-141
Northern States Power Company
April 2008
Fuel Cost Adjustment

Discussion Only

Case No. PU-08-159
Langdon Wind, LLC
Partial Transfer of Site Certificate
Siting Application

Mrs. Wefald: I move the Commission issue a Notice of Opportunity for Hearing in the application of Langdon Wind, LLC for partial transfer of Certificate of Site Compatibility No. 6 to Otter Tail Corporation for its ownership of a 40.5 MW portion of the Langdon Wind Energy Center in Cavalier County, North Dakota, Case No. PU-08-159.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-149
Great Plains Natural Gas Co.
April 2008
Cost of Gas

Discussion Only

Case No. PU-08-156
Montana-Dakota Utilities Co.,
a Division of MDU
May 2008
Cost of Gas Adjustment/Natural Gas

Case No. PU-08-157
Montana-Dakota Utilities Co.,
a Division of MDU
May 2008
Cost of Gas Adjustment/Propane

Case No. RC-08-161
2009 Administration &
Enforcement Grant
Application

Mr. Cramer: I move the Commission submit the 2009 Administration and Enforcement Grant Application to the Office of Surface Mining for funding the coal mining regulatory program from July 1, 2008, to June 30, 2009.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-84
Midcontinent Comm/
Consolidated Telcom
Interconnection Agreement
Amendment
Application

Mr. Clark: I move the Commission adopt the order approving an amendment negotiated to an existing interconnection agreement between Midcontinent Communications and Consolidated Telcom, Case No. PU-08-84.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-158
Farmers Elevator Company of Martin
License No. 61 - Martin, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-08-158 granting the request of Farmers Elevator Company of Martin to discontinue business at Martin, North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-150
Farmers Union Oil Company of Velva
Grain Warehouse - Martin, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-08-150 granting the request of Farmers Union Oil Company of Velva to operate a 379,000-bushel grain warehouse at Martin, North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-160
USF Reform-Identical Support Rule-
Reverse Auctions
Investigation

Mr. Clark: I move the Commission acknowledge its comments concerning the Federal Communications Commission's proposed rulemakings on universal service fund reform, the identical support rule, and the use of reverse auctions, Case No. PU-08-160.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Compensatory Time Policy

Mrs. Wefald: I move the Commission adopt the following policy on compensatory time.

With prior approval of the employee's supervisor, an exempt employee will be granted hour for hour compensatory (comp) time for hours worked in excess of 45 hours during a regular work week. In addition, if an employee is required to work a weekend day or holiday, the employee will be granted hour for hour comp time for the hours worked on the weekend or holiday.

Also, with prior supervisor approval, comp time may be earned for time spent traveling and attending conferences on weekends and holidays. Weekend travel time eligible to earn comp time must be determined by the most efficient travel method, unless the employee is required to use another method. A maximum of 8 hours per day of comp time may be earned for time spent traveling and attending conferences on weekends and holidays. No comp time

will normally be earned for any extra time spent traveling and attending out-of-state conferences during the regular work week, but special circumstances may be addressed by the supervisor on a case-by-case basis.

Earned comp time should be used as soon as possible, preferably within the same pay period in which it was earned. However, an employee who has earned comp time shall use the earned comp time within 60 days of completion of the project on which the comp time was earned, unless extended by the supervisor. An employee may not earn or use comp time in increments smaller than ½ hour.

In order to receive comp time for extra hours worked an employee must:

- 1) Request and receive prior approval from the employee's supervisor to work the additional hours. This request must include reasons why the required work schedule cannot be accommodated by the PSC's normal flextime policy.

- 2) Provide the supervisor prior notice before taking any comp time for hours that have accrued. Comp time must be taken in a manner that does not interfere with assigned duties and work, and using earned comp time is subject to the supervisor's approval. The hours of comp time taken must be charged to the same project on which they were accrued.

- 3) Report the earning and use of comp time in the same manner as reporting and using holiday time and other forms of leave.

Supervisors have discretion to approve variations from this policy in special situations, so long as the variation does not violate another relevant PSC policy. Under PSC Policy No. 3-11-96(3), the work week begins on Saturday.

Any abuse of the time policy may result in termination of its use and other disciplinary action.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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Application of David Wisdom
Railroad Crossing
Application

Mr. Clark: I move the Commission issue a Ten Day
Notice to BNSF Railway to install a railroad crossing
pursuant to N.D.C.C. § 49-11-17, Case No. RR-08-131.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:53 A.M.

Executive Director

SUSAN E. WEFALD, PRESIDENT