

September 24, 2008

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 24, 2008, 10:00 a.m. Present were Commissioners Wefald, Cramer and Clark.

Minutes

Mr. Cramer: I move the minutes of September 10, 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:

CWMA/MidMAP	150.00
Red River Commodities, Inc.	100.00
Bottineau Farmers Elevator	4,945.82
Gratech Company, Ltd.	147,179.31
Alltel	370.02
ND Newspaper Association	417.30
Neshiem Electric, Inc.	90.40
F-M Forklift Sales & Service, Inc.	1,322.23
NARUC	950.00
Leo Praus – 10/08 advance	584.50
Fireside Office Solutions	184.00
B & C Concrete Pumping, Inc.	102,314.68
James Deutsch	729.87
Attorney General's Office	519.39
ITD – 8/08 dp	3,738.83
DOT	15,393.97
GE Corporate Payment Services	5,562.52

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-135
Montana-Dakota Utilities Co.,
a Division of MDU
Buffalo Creek Energy, LLC
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. to extend electric service to Buffalo Creek Energy, LLC at a location in Bowman County, North Dakota, Case No. PU-08-135.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-207
Montana-Dakota Utilities Co.,
a Division of MDU
MK Home Builders, Bismarck, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. to extend electric service to MK Home Builders at a location in Burleigh County, North Dakota, Case No. PU-08-207.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-348
Otter Tail Corporation
Darrell Diede, Richland County,
North Dakota
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Darrell Diede at a location in Richland County, North Dakota, Case No. PU-08-348.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-349
Otter Tail Corporation
Ken Knutson, Lamoure County,
North Dakota
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Ken Knutson at a location in LaMoure County, North Dakota, Case No. PU-08-349.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-414
Otter Tail Corporation
District Pumping Station - Gardena, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to All Seasons Water Users District Pumping Station at a location in Bottineau County, North Dakota, Case No. PU-08-414.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-421
Montana-Dakota Utilities Co.,
a Division of MDU
Tim Gjovig - Divide County, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. to extend electric service to Tim Gjovig at a location in Divide County, North Dakota, Case No. PU-08-421.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-422
Montana-Dakota Utilities Co.,
a Division of MDU
Renville Elevator Company –
Renville County, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota utilities Co., a Division of MDU Resources Group, Inc. to extend electric service to Renville Elevator Company at a location in Renville County, North Dakota, Case No. PU-08-422.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-476
Montana-Dakota Utilities Co.,
a Division of MDU
Rich Vestal - Williams County, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Rich Vestal at a location in Williams County, North Dakota, Case No. PU-08-476.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-632
Otter Tail Corporation
Central Power - Stutsman County, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Central Power at a location in Stutsman County, North Dakota, Case No. PU-08-632.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-641
Montana-Dakota Utilities Co.,
a Division of MDU
Brian K. Johnson - Williams County
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Brian K. Johnson at a location in Williams County, North Dakota, Case No. PU-08-641.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-651
Otter Tail Corporation
Cass Rural Water Users –
Cass County, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend Electric Service to Cass Rural Water Users at a location in Cass County, North Dakota, Case No. PU-08-651.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-653
Otter Tail Corporation
Triple O Farms - Richland County, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Triple O Farms at a location in Richland County, North Dakota, Case No. PU-08-653.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-654
Montana-Dakota Utilities Co.,
a Division of MDU
Hamed Juma, Jr. - Mountrail
County, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Hamed Juma, Jr., at a location in Mountrail County, North Dakota, Case No. PU-08-654.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-784
Public Service Commission
vs. Tatanka Wind Power, LLC
Complaint

Mr. Cramer: I move the Commission appoint Annette Bendish and Jerry Lein as advocacy staff effective August 13, 2008, in Public Service Commission vs. Tatanka Wind Power, LLC, Case No. PU-08-784.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-07-163
Reclamation
Rulemaking

Mr. Cramer: Having received approval from the Attorney General and the federal Office of Surface Mining, I move the Commission adopt the proposed amendments to Article 69-05.2 of the North Dakota Administrative Code in Case No. RC-07-163 and forward them to the Legislative Council for publication.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-720
Montana-Dakota Utilities Co.,
a Division of MDU
Cost of Gas Tariffs –
Service Rendered Basis
Tariff

Mr. Cramer: I move the Commission approve the tariff filed by Montana-Dakota Utilities Co. to bill natural gas and propane usage on a service-rendered basis, Case No. PU-08-720.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Blaster Re-Certification
Approval

Mr. Cramer: I move the Commission approve blaster re-certification for the following applicants:

No.	Applicant	Affiliation	Certificate No.
1.	Joseph D Friedlander	Freedom Mine	87-03-125-R(8)
2.	Michael C. Morris	Freedom Mine	85-12-095-R(8)
3.	Myron Stern	Freedom Mine	85-12-089-R(8)
4.	Victor J. Woeste	Freedom Mine	85-12-086-R(8)
5.	Robert D. Kottre	Freedom Mine	99-10-234-R(3)
6.	Dave Blohm	Freedom Mine	05-10-277-R(1)
7.	Ronald M. Howell	Freedom Mine	99-10-233-R(3)
8.	Kim E. Ankenbauer	Falkirk Mine	05-10-279-R(1)
9.	Bernell T. Heid	Falkirk Mine	99-10-232-R(3)
10.	Ryan M. Schmidt	Falkirk Mine	05-10-280-R(1)

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-779
Edwin R. Ridl Clerking
Auction Clerk License
Cancellation

Mr. Cramer: I move the Commission issue an order in Case No. AU-08-779 canceling auction clerk license number 355 issued to Edwin R. Ridl Clerking, Dickinson, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-783
Public Service Commission
vs. Stanley Buckholz, Auctioneer
Complaint

Mr. Cramer: I move the Commission appoint Susan Richter and Illona A. Jeffcoat-Sacco as advocacy staff in Case No. AU-08-783, Public Service Commission vs. Stanley Buckholz, Auctioneer, Complaint.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-443
Tatanka Wind Power, LLC
230 kV Transmission Line/Dickey -
McIntosh Ctys.
Siting Application

Withdrawn

Case No. PU-08-241
FPL Energy Oliver Wind, LLC and
FPL Energy Oliver
Transfer Corridor Cert 92 &
Rte Permit 102
Application

Hold Over

Case No. PU-08-551
Otter Tail Corp / Cass County
Electric Coop.
Service Area Agreement
Application

Mrs. Wefald: I move the Commission adopt the Order approving a service area agreement establishing locations for new electric service to be served by Otter Tail and Cass Electric within and in areas adjacent to the City of Casselton, North Dakota, Case No. PU-08-551.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-784
Public Service Commission
vs. Tatanka Wind Power, LLC
Complaint

Mrs. Wefald: I move the Commission find the September 23, 2008 complaint filed by Commission staff states a *prima facie* case, and serve the complaint on the Respondent, Tatanka Wind Power, LLC, in Public Service Commission vs. Tatanka Wind Power, LLC, Case No. PU-08-784.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

State Reclamation Awards
2008 Award

Mr. Cramer: I move the Commission present 2008 State Reclamation Awards to David Nilson and The Coteau Properties Company

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-579
South Dakota Wheat Growers
Association
Facility-Based Grain Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-08-579 granting the request of South Dakota Wheat Growers Association of Aberdeen, South Dakota, to discontinue business as a facility-based grain buyer at Oakes and Verona, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-514
James Valley Grain, LLC
Facility-Based Grain Buyer
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-08-514 granting the request of James Valley Grain, LLC to operate as a facility-based grain buyer at Oakes and Verona, North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-698
St. Hilaire Seed Company, Inc.
Grain Warehouse - Grafton, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-08-698 granting the request of St. Hilaire Seed Company, Inc., St. Hilaire, Minnesota to operate an 18,000-bushel grain warehouse at Grafton, North Dakota, effective September 15, 2008.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-746
Tharaldson Ethanol Plant I, LLC
Grain Warehouse - Casselton, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-08-746 granting the request of Tharaldson Ethanol Plant I, LLC to operate a 6,803,000-bushel grain warehouse at Casselton, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-767
Red River Commodities, Inc
Grain Warehouse - Jamestown, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-08-767 granting the request of Red River Commodities, Inc, of Fargo, North Dakota to operate a 390,000-bushel grain warehouse at Jamestown, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-85
Polar Communications Mutual Aid
Corporation
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order granting the applications of Polar Communications Mutual Aid Corporation for certificates of public convenience and necessity to provide facilities-based incumbent local exchange services and for designation as an Eligible Telecommunications Carrier for receiving federal universal service support in the Gilby, Lakota, Fordville, Edmore, Adams and Pembina exchanges in North Dakota, Case Nos. PU-08-85 and PU-08-213.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-213
Polar Communications Mutual Aid
Corporation
Designated Eligible Carrier
Application

Case No. PU-08-196
Valley Telecommunications
Cooperative, Inc.
Local Exchange
Public Convenience & Necessity

Withdrawn

Case No. PU-08-650
USF Use Certification 47
CFR 54.314 (2009)
Compliance

Mr. Clark: I move the Commission adopt the Order regarding certification for rural eligible telecommunications carriers to receive federal universal service funding in 2009, Case No. PU-08-650.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Probationary Period Completion

Mrs. Wefald: I move the approval of a salary increase effective September 9, 2008 for Position No. 5029, upon the satisfactory completion of a three month probationary period, in an amount consistent with the terms set forth in the Commission's May 23, 2008 written offer of employment and the employee's May 26, 2008 written acceptance.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:13 A.M.

Executive Secretary

SUSAN E. WEFALD, PRESIDENT