

December 3, 2008

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 3, 2008, 11:00 a.m. Present were Commissioners Wefald, Cramer and Clark.

Minutes

Mr. Cramer: I move the minutes of November 20, 26, 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:

B & C Concrete Pumping, Inc.	113,460.00
Gratech Company, Ltd.	84,275.01
Hanson's Excavating, Inc.	22,750.00
HB Sound & Light	928.00
ND Newspaper Association	552.24
ND State Board of Registration	534.00
Kadrmass, Lee & Jackson, Inc.	13,297.99
Bruce E. Beechie	7.50
Bruce Johnson	7.50
Stephan A. Schroeder	22.50
Guy Welch	15.00
Mark Knell	546.56
William E. Dodd	209.90
Timothy Erdmann	331.50
Rick Fillbrandt	294.00
Susan E. Wefald	875.88
James R. Deutsch	466.20
Anthony T. Clark	783.51
Wayne Grangaard	472.55
Leo D. Praus	99.01
Phyllis G. Richter	650.79
JP Robbins	298.00
Raymond Kelsch	711.19
Country Grain Cooperative, Inc.	1,049.94
OAH – 10 & 11/08 exp	1,707.22
OMB – 09 risk mgmt contribution	3,555.00
OMG – 11/08 postage	489.91
GE Corporate Payment Services	4,971.23

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AD-08-488
Sixty-first Legislative Session (2009)
Misc. Case

Mr. Cramer: I move the Commission submit the following to the Legislative Council as pre-filed bill drafts for the Sixty-first Legislative Assembly of North Dakota:

Reclamation:

Amend and reenact subsection 18 of section 38-14.1-24 and subsection 2 of section 38-14.2-14 of the North Dakota Century Code, relating to the time period for successful revegetation on lands permitted for surface coal mining and reclamation operations and limitations for filing liens on abandoned mine lands that are reclaimed.

Public Service Commission:

Amend and reenact section 49-01-02 of the North Dakota Century Code, relating to the election of one public service commissioner as chairman.

Public Utilities:

Amend and reenact subsection 6 of section 49-02-02, and sections 49-05-04, 49-05-04.2, 49-05-04.3 and 49-05-16 of the North Dakota Century Code, relating to powers of the public service commission and electric and gas public utility application fees.

Testing and Safety:

Amend and reenact section 49-07-05.1 of the North Dakota Century Code, relating to assessing the costs of investigating a potential violation of pipeline safety standards and to provide a continuing appropriation.

Licensing:

Amend and reenact sections 60-02-19.1 and 60-02.1-14, and subsection 4 of section 60-02.1-01 of the North Dakota Century Code, relating to public grain warehouse credit-sale contract transfers and the definition of a facility-based grain buyer.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission issue a corrected First Reissued Certificate of Site Compatibility Number 5 recognizing the correct name change to Rugby Wind, LLC instead of Iberdrola Renewables, Inc., Case No. PU-05-47.

Mr. Clark: 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

Mr. Cramer: I move the Commission grant the withdrawal of Minnkota Power Cooperative's sampling plan from its tree and shrub inventory filed July 10, 2008 and acknowledge that no shrubs are being cleared from the transmission line right-of-way in Case No. PU-08-48, Minnkota Power Cooperative's Pillsbury to Fargo 230 kV Transmission Line.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-691
Otter Tail Corporation
BNSF Railway - Signa Lights –
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 Burlington Northern Santa Fe Railway for signal lights at a location in Cass County, North Dakota, Case No. PU-08-691.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-692
Otter Tail Corporation
BNSF Railway - Switch Station –
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 Burlington Northern Santa Fe Railway for a switch station at a location in Cass County, North Dakota, Case No. PU-08-692.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-721
Otter Tail Corporation
Dustin Burchill - 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 Dustin Burchill at a location in Cass County, North Dakota, Case No. PU-08-721.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission issue corrected First Reissued Certificate of Corridor Compatibility Number 89, and corrected First Reissued Route Permit Number 99 recognizing the correct name change to Rugby Wind, LLC instead of Iberdrola Renewables, Inc., Case No. PU-05-305.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-596
Belle Fourche Pipeline Company
8-Inch Crude Oil Pipeline/
McKenzie County
Siting Application

Mr. Cramer: I move the Commission approve the Tree/Shrub Replanting Plan filed on November 4, 2008 by Belle Fourche Pipeline Company, Case No. PU-07-596.

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

Case No. RR-08-833
J-Sons Inc., Contractors
Rail Clearance Variance –
Ray Farmers Union
Application

Mr. Cramer: I move the Commission acknowledge the request of J-Sons Inc. to withdraw its application for a rail clearance variance at the Ray Farmers Union Elevator, Case No. RR-08-833, J-Sons Inc., Contractors, Rail Clearance Variance – Ray Farmers Union, Application.

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

Case No. AU-08-903
Jeremy J. Ferderer
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Jeremy J. Ferderer, Bismarck, North Dakota.

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

Case No. PU-07-169
Basin Electric Power Coop Inc.
230 kV Transmission Line/
Stark to Bowman Ctys
Siting Application

Mrs. Wefald: I move the Commission adopt the Findings of Fact, Conclusions of Law, and Order issuing corridor certificate and route permit to Basin Electric Power Cooperative for its proposed 230 kV electric transmission line in Bowman County, North Dakota, Case No. PU-07-169.

Mr. Cramer: 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 award a contract to the Burke County Soil Conservation District for tree and shrub planting at the Columbus Phase 9 abandoned mine land site in Burke County.

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

Case No. PU-08-766
Otter Tail Corporation
49.5mw Wind Farm - Luverne -
Barnes/Steele Cntys
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order Granting Certificate of public convenience and necessity for Otter Tail Corporation to construct and own a 49.5 MW portion of the 157 MW Luverne Wind Farm and 13 miles of 230 kV transmission line proposed in Barnes and Steele Counties, North Dakota, Case No. PU-08-766.

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

Case No. PU-08-862
Otter Tail Corporation
Electric Rate Increase
Application

Mrs. Wefald: I move the commission adopt the Order on Interim Rates authorizing interim electric rates in Otter Tail Power Company's Electric Rate Increase application, Case No. PU-08-862.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-888
2009 - 2012 ND Reclamation
Simplified Grant
Application

Mrs. Wefald: I move the Commission approve the Williams County Road 9, Phase 4, and Hazen-West, Phase 2 projects as the major AML projects for abandoned mine reclamation in 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-753
2008 AML Coal Fire
Suppression Grant
Application

Mrs. Wefald: I move the Commission authorize procurement of construction services using competitive sealed bidding procedures for suppressing coal fires at numerous sites in western North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-885
Montana-Dakota Utilities Co.,
a Division of MDU
December 2008
Fuel Cost Adjustment

Discussion Only

Case No. PU-08-901
Northern States Power Company
December 2008
Fuel Cost Adjustment

Case No. PU-08-898
Northern States Power Company
December 2008
Cost of Gas

Discussion Only

Case No. PU-08-902
Great Plains Natural Gas Co.
December 2008
Cost of Gas

Case No. PU-08-578
Midcontinent Communications /
ND Telephone Co.
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 ND Telephone Company, Case No. PU-08-578.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-815
Midcontinent Communications /
Consolidated Telcom
Interconnection Agreement
Application

Mr. Clark: I move the Commission adopt the order approving an interconnection agreement negotiated between Midcontinent Communications and Consolidated Telcom, Case No. PU-08-815.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

GISTC Funding For 2009 NAIP
Aerial Photography

Mr. Cramer: I move the Commission participate in the Geographic Information System Technical Committee (GISTC) cooperative funding for completion of the 2009 NAIP aerial photography.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-61
Midcontinent Communications/
Missouri Valley Communications, Inc.
Rural Exemption
Investigation

Mrs. Wefald: I move the Commission approve the Petition for Reconsideration or Rehearing in Midcontinent Communications/Missouri Valley Communications, Inc., Rural Exemption, Investigation, Case No. PU-08-61 and Missouri Valley Communications, Inc., Suspend/Modify Interconnection Requirements, Application, Case No. PU-08-176.

Mr. Cramer: I second the motion.

Roll Call: Wefald "Aye"

Cramer "Nay"

Clark "Nay."

Case No. PU-08-176
Missouri Valley Communications, Inc.
Suspend/Modify Interconnection
Requirements
Application

ATTEST

THE COMMISSION ADJOURNED AT 12:25 P.M.

Executive Secretary

SUSAN E. WEFALD, PRESIDENT