

January 15, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 15, 2003, 10:00 a.m. Present were Commissioners Wefald, Reinbold, and Clark.

Minutes

Mr. Clark: I move the minutes of December 31, 2002, be approved.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Bills

Mr. Clark: I move the following bills, as reviewed by the Commission, be approved and paid:

J. P. Robbins	163.50
North Dakota Newspaper Association	1,399.53
Stephan Schroeder	6.00
David Bickel	6.00
Guy Welch	16.00
Larry Larson	12.00
Timothy Erdmann	410.74
Snavely King Majoros O'Connor & Lee, Inc.	4094.36
Presort Plus	4.24
St. Paul Engraving, Inc.	90.00
Bill Eide	389.46
North Dakota Clipping Service	113.80
Leo Praus	334.40
Wayne Grangaard	373.75
AAWCO	100.00
ND Motor Carriers Association	54.33
Attorney General	23.79
Facility Management	690.51
Information Technology Department	1,478.70
Central Services Printing	143.51
Central Services Supplies	278.30
Information Technology Department	2,947.43
Office of Attorney General	90.41
Elan	3,033.78

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Reorganization of Commission  
Nomination of President

Mrs. Wefald: I move that Commissioner Leo Reinbold serve as President of the Public Service Commission for the next two years.

Mr. Clark: I second the Motion

Position Declined

Mr. Reinbold: I move that Commissioner Tony Clark serve as President of the Public Service Commission for the next two years.

Mrs. Wefald: I second the motion

Roll Call: All voting "Aye."

Executive Secretary  
Appointment

Mrs. Wefald: I move that Jon Mielke be appointed executive secretary for the next two years, subject to sixty days' notice, if terminated.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Acting Executive Secretary  
Authorization

Mrs. Wefald: I move that William Binek be authorized to act as executive secretary in the absence of the executive secretary.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Reassignment of Portfolios

Mrs. Wefald: I move that Commission portfolios for the next two years be allocated as follows:

Commissioner Wefald - electric utilities, mine reclamation, consumer affairs, auctioneers, and auction clerks.

Commissioner Reinbold – gas utilities, pipelines, abandoned mine lands.

Commissioner Clark – telephone utilities, weights & measures, grain elevators, and railroads.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-439-02-21  
Weights and Measures  
Rulemaking

Mr. Clark: Having been approved by the Attorney General, I move the Commission adopt the proposed amendments to the following Chapters of the North Dakota Administrative Code, and forward them to the Legislative Council for publication, Case Numbers WM-439-02-21, PU-439-02-81 and GE-439-02-150.

Article 69-07 Amendments to Licensing

Article 69-09 Amendments to Electric Utilities

Article 69-10 Amendments to Weights and Measures

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-02-81  
Public Utilities - Electric  
Rulemaking

Case No. GE-439-02-150  
Licensing  
Rulemaking

Case No. PU-399-02-633  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc  
Ronald Hepper, Golden Valley, ND  
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Ronald Hepper for a residential site near Golden Valley, North Dakota, Case No. PU-399-02-633.

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

Case No. PU-2805-02-640  
Otter Tail Corporation  
Shawn Steffes, LaMoure, ND  
Public Convenience & Necessity

Mr. Clark: 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 Shawn Steffes for a residential site near LaMoure, North Dakota, Case No. PU-2805-02-640.

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

Case No. AU-896-02-595  
Grand Rapids Auction & Clerking  
Service/Auction Clerk  
Suspension/Revocation

Mr. Clark: I move the Commission issue an order in Case No. AU-896-02-595 revoking auction clerk license number 523 of Linda Lou Richter & Albert Wayne Richter dba Grand Rapids Auction and Clerking Service, Grand Rapids, North Dakota, for failure to maintain adequate bond coverage.

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

Case No. AU-896-03-14  
Derek J. Heck - Auction Clerk  
License Application

Mr. Clark: I move the Commission approve the auction clerk license applications for Derek J. Heck, Mandan, North Dakota; Kevin D. Pifer doing business as Pifer's Auction Company, Fargo, North Dakota; and Dennis M. Roaldson, Jamestown, North Dakota.

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

Case No. AU-896-03-29  
Kevin D. Pifer dba Pifer's Auction  
Company – Auction Clerk  
License Application

Case No. AU-896-03-30  
Dennis M. Roaldson - Auction Clerk  
License Application

Case No. PU-400-02-670  
Northern States Power Company  
Cogeneration/Small Power Producer  
Rates

Mr. Clark: I move the Commission approve Northern States Power Company's cogeneration/small power producer rates, Case No. PU-400-02-670.

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

Case No. PU-2079-01-210  
Z-Tel Communications, Inc.  
Toll Dialing Parity  
Application

Mr. Clark: I move the Commission approve Z-Tel Communications, Inc's dialing parity plan filed in compliance with the Commission's order dated November 6, 2002, Case No. PU-2079-01-210.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-432-03-2  
Exergy Group, LLC  
Long Distance Reseller  
Application

Mr. Clark: I move the Commission issue a Certificate of Registration to Exergy Group, LLC to resell interexchange telecommunications services in North Dakota, Case No. PU-2815-03-2.

Mr. Reinbold: I second motion.

Roll Call: All voting "Aye,"

Case No. GE-587-03-13  
2712270 Manitoba Ltd dba Pizzey's  
Milling Inc-RGB  
License Application

Mr. Clark: I move the Commission approve the roving grain buyer license application for 2712270 Manitoba Ltd doing business as Pizzey's Milling Inc., Angusville, Manitoba, Canada.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-401-00-36  
Otter Tail Power Company  
Performance Based Regulation  
Application  
Supplemental Order

Mrs. Wefald: I move the Commission adopt the Supplemental Order in Otter Tail Power Company's application to reset the transactional customer satisfaction performance measure contained in its plan of performance based regulation, Case No. PU-401-00-36.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-01-186  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc  
2000 Electric Operations  
Annual Report  
Remand

Mrs. Wefald: I move the Commission adopt the Order on Remand in Montana-Dakota Utilities Co.'s 2000 Electric Operations Annual Report investigation, Case No. PU-399-01-186.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-02-471  
Public Service Commission  
FERC SMD NOPR  
PSC Comments/Letters

Mrs. Wefald: I move the Commission acknowledge filing additional comments on January 8, 2003 in response to the Federal Energy Regulatory Commission's Notice of Proposed Rulemaking on Standard Electricity Market Design, FERC Docket No. RM01-12-000, PSC Case No. PU-429-02-471.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-02-654  
Otter Tail Corporation  
January 2003  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-2805-02-654, Otter Tail Corporation's Electric Fuel Cost Adjustment for January 2003.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-02-663  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc  
January 2003  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for January 2003, Case No. PU-399-02-663.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-02-667  
Northern States Power Company  
January 2003  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for January 2003, Case No. PU-400-02-667.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-16  
FERC - EL03-35-000  
Intervention

Mrs. Wefald: I move the Commission acknowledge intervention in the proceeding before the Federal Energy Regulatory Commission concerning the petition of the Midwest Independent System Operator, Inc. for a declaratory order approving its proposed Midwest Market Initiative Market Rules, FERC Docket No. EL03-35-000, PSC Case No. PU-439-03-16.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-17  
FERC - EL03-34-000  
Intervention

Mrs. Wefald: I move the Commission acknowledge intervention in the proceeding before the Federal Energy Regulatory Commission concerning the petition of the Midwest Independent System Operator, Inc. for a declaratory order finding that stakeholders are entitled to recovery of start up costs, FERC Docket No. EL03-34-000, PSC Case No. PU-439-03-17.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-702-02-266  
Coteau Properties Company  
Permit NACT-0201  
Application

Mrs. Wefald: I move the Commission issue notices requesting comments on the application for Surface Coal Mining Permit No. NACT-0201 from the Coteau Properties Company that proposes to permit approximately 17,051 acres of land at the Freedom Mine.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-822-02-326  
BNI Coal, Ltd  
Bond Release No. 5, Permit No. BNLS-8109  
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 5 for Surface Coal Mining Permit No. BNLS-8109, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 28.6 acres located in portions of Sections 9 and 20, T162N, R94W, Burke County. The amount of the bond release is \$6,428 and it will become effective February 14, 2003, unless a formal hearing is requested.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-822-02-327  
BNI Coal, Ltd  
Bond Release No 8, Permit No. 24  
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 8 for Surface Coal Mining Permit No. 24, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 1.5 acres located in a portion of Section 3, T162N, R94W, Burke County. The amount of the bond release is \$750 and it will become effective February 14, 2003, unless a formal hearing is requested.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-02-671  
Northern States Power Company  
January 2003  
Purchased Gas Adjustment

Mr. Reinbold: I move the Commission approve Northern States Power Company's January 2003 purchased gas adjustment, Case No. PU-400-02-671.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-439-02-517  
2003-2006 AML Grant ND Reclamation  
Simplified Grant  
Application

Mr. Reinbold: I move the Commission submit the 2003-2006 North Dakota Abandoned Mine Lands Reclamation Simplified Grant Application to the Office of Surface Mining requesting \$1,643,013 in federal funds to administer the abandoned mine lands program.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-2297-02-664  
North Dakota One-Call  
CY2003 - Grant R079-04  
Application

Mr. Reinbold: I move the North Dakota Public Service Commission submit the Calendar Year 2003 North Dakota One-Call Grant Application in the amount of \$50,000.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Contract Change Order  
Contract No. AM-448-02

Mr. Reinbold: I move the Commission authorize a change order in the amount of \$150 to Contract No. AM-448-02.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2342-01-296  
Qwest Corporation  
Interconnection/Wholesale Price  
Investigation  
Notices

Mr. Clark: I move the Commission issue a Notice of Filing, Notice of Intervention Deadline, and Notice of Cost Study Workshop in Qwest Corporation's Interconnection/Wholesale Price Investigation, Case No. PU-2342-01-296.

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

Case No. PU-2603-02-549  
VarTec Telecom, Inc.  
Toll Dialing Parity  
Application  
Case No. PU-967-02-627  
Excel Telecommunications, Inc.  
Toll Dialing Parity  
Application

Mr. Clark: I move the Commission adopt the Order approving Toll Dialing Parity plans in the above captioned toll dialing parity applications.

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

Case No. PU-2463-02-553  
Integra Telecom of North Dakota,  
Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application

Mr. Clark: I move the Commission adopt the Order approving the captioned interconnection agreements.

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

Case No. PU-2441-02-571  
AT&T Communications of the Midwest,  
Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application

Case No. PU-2800-02-572  
MCImetro Access Transmission  
Services LLC/Qwest Corporation  
Interconnection Agreement  
Application

Case No. PU-2780-02-579  
Level 3 Communications, LLC/Qwest  
Corporation  
Interconnection Agreement  
Amendment  
Application

Case No. PU-2630-02-587  
U.S. Link, Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application

Cases Continued

Case No. PU-2780-02-588  
Level 3 Communications, LLC/Qwest  
Corporation  
Interconnection Agreement  
Amendment  
Application

Case No. GE-2817-03-12  
Quality Bean, LLC  
Grain Warehouse - Minto, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-2817-03-12 granting the request of Quality Bean, LLC to operate a 50,000-bushel bean warehouse at Minto, North Dakota.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-15  
Lowell Berntson dba Berntson Grain -  
Rvg Grain Buy  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-587-03-15 granting the request of Lowell Berntson doing business as Berntson Grain, of Kulm, North Dakota, to discontinue business as a North Dakota roving grain buyer.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2779-02-451  
Missouri Valley Communications, Inc.  
Designated Eligible Carrier  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill Missouri Valley Communications, Inc. for costs incurred to date in Case No. PU-2779-02-451, Missouri Valley Communications, Inc., Designated Eligible Carrier Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2779-02-452  
Missouri Valley Communications, Inc.  
Local Exchange  
Public Convenience & Necessity  
Valuation Billing

Mrs. Wefald: I move the Commission bill Missouri Valley Communications, Inc. for costs incurred to date in Case No. PU-2779-02-452, Missouri Valley Communications, Inc., Local Exchange, Public Convenience & Necessity.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."



Case No. PU-427-02-453  
Reservation Telephone Cooperative  
Designated Eligible Carrier  
Application  
Valuation Billing

Mrs. Wefald I move the Commission bill Reservation Telephone Cooperative for costs incurred to date in Case No. PU-427-02-453, Reservation Telephone Cooperative, Designated Eligible Carrier Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-427-02-454  
Reservation Telephone Cooperative  
Local Exchange  
Public Convenience & Necessity  
Valuation Billing

Mrs. Wefald: I move the Commission bill Reservation Telephone Cooperative for costs incurred to date in Case No. PU-427-02-454, Reservation Telephone Cooperative, Local Exchange, Public Convenience & Necessity.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2783-02-476  
North Dakota Network Co./Citizens  
Telecommunications Company of  
North Dakota Inc  
Interconnection Agreement  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill North Dakota Network Co. and Citizens Telecommunications Company of North Dakota, Inc. for costs incurred to date in Case No. PU-2783-02-476, North Dakota Network Co./Citizens Telecommunications Company of North Dakota, Inc., Interconnection Agreement, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2630-02-483  
U.S. Link, Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill U.S. Link, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-2630-02-483, U.S. Link, Inc./Qwest Corporation, Interconnection Agreement Amendment, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2057-02-493  
McLeod USA Telecommunications  
Services Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill McLeodUSA and Qwest Corporation for costs incurred to date in Case No. PU-2057-02-493, McLeodUSA Telecommunications Services, Inc./Qwest Corporation, Interconnection Agreement Amendment, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2711-02-495  
MCImetro Access Transmission  
Services LLC  
Local Exchange  
Public Convenience & Necessity  
Valuation Billing

Mrs. Wefald: I move the Commission bill MCImetro Access Transmission Services, LLC for costs incurred to date in Case No. PU-2787-02-495, MCImetro Access Transmission Services, LLC, Local Exchange, Public Convenience & Necessity.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2790-02-509  
Qwest LD Corp.  
Interexchange  
Public Convenience & Necessity  
Valuation Billing

Mrs. Wefald: I move the Commission bill Qwest LD Corp. for costs incurred to date in Case No. PU-2790-02-509, Qwest LD Corp., Interexchange, Public Convenience & Necessity.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2463-02-553  
Integra Telecom of North Dakota,  
Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill Integra Telecom of North Dakota, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-2463-02-553, Integra Telecom of North Dakota, Inc./Qwest Corporation, Interconnection Agreement Amendment, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2441-02-571  
AT&T Communications of the Midwest,  
Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill AT&T Communications of the Midwest, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-2441-02-571, AT&T Communications of the Midwest, Inc./Qwest Corporation, Interconnection Agreement Amendment, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2800-02-572  
MCImetro Access Transmission  
Services LLC/Qwest Corporation  
Interconnection Agreement  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill MCImetro Access Transmission Services LLC and Qwest Corporation for costs incurred to date in Case No. PU-2800-02-572, MCImetro Access Transmission Services LLC/Qwest Corporation, Interconnection Agreement, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2780-02-579  
Level 3 Communications, LLC/Qwest  
Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill Level 3 Communications, LLC and Qwest Corporation for costs incurred to date in Case No. PU-2780-02-579, Level 3 Communications, LLC/Qwest Corporation, Interconnection Agreement Amendment, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2630-02-587  
U.S. Link, Inc./Qwest Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill U.S. Link, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-2630-02-587, U.S. Link, Inc./Qwest Corporation, Interconnection Agreement Amendment, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2780-02-588  
Level 3 Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mrs. Wefald: I move the Commission bill Level 3 Communications, LLC and Qwest Corporation for costs incurred to date in Case No. PU-2780-02-588, Level 3 Communications, LLC/Qwest Corporation, Interconnection Agreement Amendment, Application.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:00 NOON.

---

Executive Secretary

---

TONY T. CLARK, PRESIDENT