

April 9, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 9, 2003, 10:00 a.m. Present were Commissioners Wefald, Reinbold, and Clark.

Minutes

Mr. Reinbold: I move the minutes of March 26, 2003, be approved.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Bills

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

Bruce Beechie	12.00
William Dodd	6.00
David Bickel	17.29
Bruce Johnson	6.00
Dean Moos	30.00
Stephan Schroeder	12.00
Nirander Safaya	30.00
Guy Welch	18.00
Kevin Hanson	648.00
Louis Ogaard	12.00
ND Newspaper Association	443.90
Advanced Business Methods	841.70
Keen Travel Agency	406.00
Phyllis Richter	533.67
Bill Eide	645.93
J. P. Robbins	704.34
Timothy Erdmann	466.81
Jerry Lein	394.91
Facility Management	849.43
Facility Management	11.22

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-170
Montana Specialty Mills, LLC
License Application

Mr. Reinbold: I move the Commission approve the roving grain buyer license application for Montana Specialty Mills, LLC of Great Falls, Montana, effective April 1, 2003.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-152
Otter Tail Corporation
Cogeneration/Small Power Producer
Rates

Mr. Reinbold: I move the Commission approve Otter Tail Corporation's Cogeneration/Small Power Producer tariff revisions, Case No. PU-2805-03-152.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-896-03-169
Schoch Auction Service - Auction Clerk
License Application

Mr. Reinbold: I move the Commission approve the auction clerk license application for Alton Schoch doing business as Schoch Auction Service, Dickinson, North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-896-03-175
Dennis Kastet - Auctioneer
Suspension/Revocation
Opportunity for Hearing

Mr. Reinbold: I move the Commission issue an order in Case No. AU-896-03-175 suspending auctioneer license number 432 of Dennis Kastet, Ypsilanti, North Dakota, for lack of adequate bond coverage and issue a Notice of Opportunity for Hearing on the matter.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2822-03-65
Joseph B. McNeal d/b/a Page
Data/Qwest Corporation
Interconnection Agreement
Amendment

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

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Application Case No. PU-2823-03-70
WaveSent LLC/Qwest Corporation
Interconnection Agreement
Application

Case No. PU-2749-03-78
Cellco Partnership/Reservation
Telephone Cooperative
Interconnection Agreement
Amendment
Application

Case No. PU-2442-03-81
New Edge Network, Inc./Qwest
Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2482-03-85
Preferred Carrier Services, Inc./Qwest
Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2823-03-90
WaveSent LLC/Qwest Corporation
Interconnection Agreement
Application

Cases Continued

Surface Transportation Board
Small Shipper Rate Challenges - Ex
Parte 646
Comments

Mr. Clark: I move that the Commission participate in Surface Transportation Board proceeding Ex Parte No. 646 concerning procedures used by the Board to process rail rate challenges involving small shippers.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-03-161
Northern States Power Company
April 2003
Purchased Gas Adjustment

Mr. Reinbold: I move the Commission approve Northern States Power Company's April 2003 purchased gas adjustment, Case No. PU-400-03-161.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2840-03-113
Lehigh Road Phase VIII
2003-2006 AML Construction
Project

Mr. Reinbold: I move the Commission issue an Intent to Award a contract to GEOSERV, Inc., 3100 East Broadway Avenue, Bismarck, North Dakota 58502 in the amount of \$14,250 for material testing services at the Lehigh Road Phase VIII abandoned mine land site in Stark County.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2840-03-113
Lehigh Road Phase VIII
2003-2006 AML Construction
Project

Mr. Reinbold: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota 58801 in the amount of \$211,250 for construction services at the Lehigh Road Phase VIII abandoned mine land site in Stark County.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2841-03-114
Beulah/Zap Phase VII
2003-2006 AML Construction
Project

Mr. Reinbold: I move the Commission issue an Intent to Award a contract to GEOSERV, Inc., 3100 E. Broadway Avenue, Bismarck, North Dakota 58501 in the amount of \$14,490 for material testing services at the Beulah/Zap Phase VII abandoned mine land site in Mercer County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2841-03-114
Beulah/Zap Phase VII
2003-2006 AML Construction
Project

Mr. Reinbold: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 W. Broadway, Williston, North Dakota 58801 in the amount of \$268,700 for construction services at the Beulah/Zap Phase VII abandoned mine land site in Mercer County.

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

Case No. AM-2842-03-115
Buechler/Garrison Phase II
2003-2006 AML Construction
Project

Mr. Reinbold: I move the Commission issue an Intent to Award a contract to Material Testing Services, LLC, PO Box 634, Minot, North Dakota 58702 in the amount of \$7,150 for material testing services at the Buechler/Garrison Phase II abandoned mine land site in Ward and McLean Counties.

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

Case No. AM-2842-03-115
Buechler/Garrison Phase II
2003-2006 AML Construction
Project

Mr. Reinbold: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota 58801 in the amount of \$195,900 for construction services at the Buechler/Garrison Phase II abandoned mine land site in Ward and McLean Counties.

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

Case No. AM-2843-03-116
Columbus Phase V
2003-2006 AML Construction
Project

Mr. Reinbold: I move the Commission issue an Intent to Award a contract to Quality Construction, Inc., PO Box 287, Sawyer, North Dakota 58781 in the amount of \$177,400.50 for construction services at the Columbus Phase 5 abandoned mine land site in Burke County.

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

Case No. PU-399-02-183
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Natural Gas Rate Increase
Application

Mr. Reinbold: I move the Commission extend the final day for filing and service of Montana-Dakota Utilities Co.'s prepared rebuttal testimony and exhibits from April 14, 2003, to April 28, 2003, in Case No. PU-399-02-183, and reschedule the hearing currently set for April 22, 2003.

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

Case No. PU-399-03-144
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
April 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for April 2003, Case No. PU-399-03-144.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-145
Otter Tail Corporation
April 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-2805-03-145, Otter Tail Corporation's Electric Fuel Cost Adjustment for April 2003.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-03-154
Northern States Power Company
April 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for April 2003, Case No. PU-400-03-154.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-155
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Electric Service Agreement/Tesoro
Approval

Mrs. Wefald: I move the Commission approve Montana Dakota Utilities Co.'s electric service agreement with Tesoro Petroleum Corporation for service to the Mandan Refinery, Case No. PU-399-03-155.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-710-02-625
American Colloid Co.
Revision No. 3, Permit ACPG-9701
Application

Mrs. Wefald: I move the Commission approve Revision No. 3 to Surface Coal Mining Permit No. ACPG-9701, held by the American Colloid Company for the Page Mine, to identify the next five-year coal removal area and to update the operations and reclamation plans and other sections of the permit for the next five-year permit term.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-710-02-651
American Colloid Co.
Renewal No. 1, Permit ACPG-9701
Application

Mrs. Wefald: I move the Commission approve Renewal No. 1 to Surface Coal Mining Permit No. ACPG-9701, held by the American Colloid Company for the Page Mine, to extend the permit term another five years, until April 21, 2008.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-705-03-135
Falkirk Mining Company
Notice of Violation 0301
Violation

Mrs. Wefald: I move the Commission propose a civil penalty in the amount of \$1000 for Notice of Violation No. 0301 issued to the Falkirk Mining Company, Case No. RC-705-03-135, and schedule an informal conference on the matter.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Office of Surface Mining
2002 Evaluation Report
Coal Mining Regulatory Program

Mrs. Wefald: I move the Commission accept the Office of Surface Mining's 2002 Annual Evaluation Report for the Coal Mining and Reclamation Regulatory Program.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2806-02-606
FPL Energy North Dakota Wind LLC
Request for Jurisdictional
Determination
PSC Comments / Letters

Mrs. Wefald: I move the Commission send a letter confirming that having the same contractor construct collector substations is of no significance under the Siting Act.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Reinbold: I move the Commission bill Qwest Corporation, US Link, Inc., VAL-ED Joint Venture, LLP d/b/a 702 Communications, McLeodUSA Telecommunications, Inc. and IdeaOne Telecommunications, Inc. for costs incurred to date in Case No. PU-2342-01-296, Qwest Corporation, Interconnection/Wholesale Price, Investigation.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:20 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT