

July 2, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 2, 2003, 10:00 a.m. Present were Commissioners Wefald, Reinbold, and Clark.

Minutes

Mr. Reinbold: I move the minutes of June 18 and 23, 2003, be approved.

Mr. Clark: 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:

Jon H. Mielke	312.06
Kramer Agency	2,500.00
ND Newspaper Association	676.92
Kelly Services	1,383.60
Advanced Business Methods	808.76
Dawn Major/Reclamation Research Unit/MSU	1,345.00
Ben Johnson Associates, Inc.	2,172.50
Rough Rider Industries	1,058.00
Pro Forms	2,225.00
Cellular One	223.25
Geoserv, Inc.	7,808.00
C & A Advertising	2,316.67
ND Safety Council, Inc.	115.00
Kirkwood Shopping Center	200.00
Interstate Mining Compact Commission	2,500.00
N A R U C	500.00
UniqueScreen Media	1,683.33
Leo Praus	818.14
Jerry Lein	633.98
Illona A. Jeffcoat-Sacco	360.06
Guy Welch	24.00
Larry L. Larson	12.00
Stephan A. Schroeder	12.00
Dean K. Moos	6.00
David Bickel	29.07
Bruce A. Johnson	41.29
Nirander M. Safaya	75.05
Kevin Hanson	271.24
Bruce E. Beechie	304.39
Larry Reisenauer	730.26
Susan E. Wefald	90.85
Alan Moch	165.95
James Deutsch	470.16
Lou Ogaard	73.92
Mark Knell	201.52
Thiem Drilling, Inc.	58,111.95

Bills Continued

Quality Construction, Inc.	16,689.82
Elan Financial	10,707.30
Motor Pool	10,410.93

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2885-03-351
 Quasar Communications Corporation
 Long Distance Reseller
 Application

Mr. Reinbold: I move the Commission issue a Certificate of Registration to Quasar Communications Corporation to resell interexchange telecommunications services in North Dakota, Case No. PU-2885-03-351.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-280
 Montana-Dakota Utilities Co., a
 Division of MDU Resources Group, Inc
 Dale Kleppen, Watford City, ND
 Public Convenience & Necessity

Mr. Reinbold: 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 Dale Kleppen for a water well site near Watford City, North Dakota, Case No. PU-399-03-280.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-281
 Otter Tail Corporation
 BN Santa Fe Railway Co, Spiritwood, ND
 Public Convenience & Necessity

Mr. Reinbold: 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 Company for switch heaters near Spiritwood, North Dakota, Case No. PU-2805-03-281.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-282
 Otter Tail Corporation
 Rodney D. Mickelson, Jamestown, ND
 Public Convenience & Necessity

Mr. Reinbold: 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 Rodney D. Mickelson for a storage shed site near Jamestown, North Dakota, Case No. PU-2805-03-282.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-290
 Otter Tail Corporation
 Steve Williams, Wahpeton, ND
 Public Convenience & Necessity

Mr. Reinbold: 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 Steve Williams for a residential site near Wahpeton, North Dakota, Case No. PU-2805-03-290.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-770-03-346
Bentonite Performance Minerals
Reclamation Extension 21, Permit 34
Approval

Mr. Reinbold: I move the Commission approve Reclamation Period Extension No. 21 for Surface Coal Mining Permit No. 34, held by Bentonite Performance Minerals, to allow the continuation of reclamation activities on 9.31 acres at the Gaylord Olson Mine until June 30, 2004.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2745-03-173
Midcontinent Communications/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-2859-03-174
Midcontinent Communications/McLeod
USA
Interconnection Agreement
Application

Case No. PU-2630-03-177
U.S. Link, Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2864-03-183
Extend America, Inc./Qwest
Corporation
Interconnection Agreement
Application

Case No. PU-2057-03-195
McLeod USA Telecommunications
Services Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2057-03-202
McLeod USA Telecommunications
Services Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2057-03-205
McLeod USA Telecommunications
Services Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Cases Continued

Case No. PU-2867-03-212
Commnet Wireless Inc./Qwest
Corporation
Interconnection Agreement
Application

Case No. PU-2869-03-234
WTC Competitive Services, Inc./Qwest
Corporation
Interconnection Agreement
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-2528-03-244
WWC Holding Co., Inc./Reservation
Telephone Cooperative
Interconnection Agreement
Application

Case No. PU-2686-03-245
WWC Holding Co., Inc./Polar
Telecommunications, Inc.
Interconnection Agreement
Application

Case No. PU-2685-03-246
WWC Holding Co., Inc./Polar
Communications Mutual Aid
Corporation
Interconnection Agreement
Application

Case No. PU-2871-03-247
WWC Holding Co., Inc./Consolidated
Telcom
Interconnection Agreement
Application

Case No. PU-2551-03-248
WWC Holding Co., Inc./Inter-
Community Telephone Co., LLC
Interconnection Agreement
Application

Cases Continued

Case No. PU-2536-03-249
WWC Holding Co., Inc./BEK
Communications Cooperative
Interconnection Agreement
Application

Case No. PU-2544-03-250
WWC Holding Co., Inc./Northwest
Communications Cooperative
Interconnection Agreement
Application

Case No. PU-2872-03-251
WWC Holding Co., Inc./SRT
Communications, Inc.
Interconnection Agreement
Application

Case No. PU-2579-03-252
WWC Holding Co./West River
Telecommunications Cooperative
Interconnection Agreement
Application

Case No. PU-2873-03-253
Polar Telcom, Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2271-03-257
Sprint Communications Company
L.P./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2630-03-264
U.S. Link, Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application
Opportunity to File Written Comments

Case No. PU-2630-03-275
U.S. Link, Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Mr. Clark: I move the Commission issue a Notice of Opportunity to File Written Comments in the captioned applications for approval of interconnection agreements.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

No Case No. PU-2745-03-278
Midcontinent Communications/Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2684-03-320
WWC Holding Co., Inc./North Dakota Telephone Company
Interconnection Agreement
Application

Case No. PU-2882-03-321
WWC Holding Co., Inc./Dickey Rural Access, Inc.
Interconnection Agreement
Application

Case No. PU-2556-03-322
WWC Holding Co., Inc./Dickey Rural Communications, Inc.
Interconnection Agreement
Application

Case No. PU-2555-03-323
WWC Holding Co., Inc./Dickey Rural Telephone Cooperative
Interconnection Agreement
Application

Case No. PU-2554-03-324
WWC Holding Co., Inc./Moore and Liberty Telephone Company
Interconnection Agreement
Application

Case No. PU-2553-03-325
WWC Holding Co., Inc./Griggs County Telephone Company
Interconnection Agreement
Application

Case No. PU-2539-03-326
WWC Holding Co., Inc./Midstate
Communications Incorporated
Interconnection Agreement
Application

Cases Continued

Case No. PU-2540-03-327
WWC Holding Co., Inc./Midstate
Telephone Company
Interconnection Agreement
Application

Case No. PU-2543-03-328
WWC Holding Co., Inc./Dakota Central
Telecom I
Interconnection Agreement
Application

Case No. PU-2542-03-329
WWC Holding Co., Inc./Dakota Central
Telecommunications Cooperative
Interconnection Agreement
Application

Case No. PU-2538-03-330
WWC Holding Co., Inc./United
Telephone Mutual Aid Corporation
Interconnection Agreement
Application

Case No. PU-2537-03-331
WWC Holding Co., Inc./Turtle Mountain
Communications, Inc.
Interconnection Agreement
Application

Case No. PU-2548-03-332
WWC Holding Co., Inc./Red River
Telecom, Inc.
Interconnection Agreement
Application

Case No. PU-2549-03-333
WWC Holding Co., Inc./Red River
Rural Telephone Association
Interconnection Agreement
Application

Case No. PU-2799-03-334
McLeod USA Telecommunications
Services Inc./Qwest Communications
Corporation
Interconnection Agreement
Amendment
Application

Cases Continued

Case No. PU-2522-03-335
TW Wireless, L.L.C./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2873-03-339
Polar Telcom, Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2630-03-349
U.S. Link, Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2888-03-360
Nextel West Corp./Qwest Corporation
Interconnection Agreement and
Amendment
Application
Notice of Opportunity to File Written
Comments

Case No. PU-2880-03-340
GLOBCOM INCORPORATED
Local Exchange/Interexchange
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the captioned applications for certificates of public convenience and necessity to provide facilities based telecommunication services in North Dakota.

Case No. PU-2887-03-359
IDT America, Corp.
Local Exchange
Public Convenience & Necessity
Notice of Opportunity for Hearing

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

Case No. GE-157-02-15
Wimbledon Grain Company
Wimbledon, ND
Insolvency

Mr. Clark: I move the Commission acknowledge the Commission's request to the Attorney General's office to provide legal assistance in Wimbledon Grain Co., Wimbledon, ND, Insolvency, Case No. GE-157-02-15 following remand of the case by the Supreme Court, and that Kevin McCabe, Assistant Attorney General, has been assigned to assist the Commission in this proceeding. The cost for these services shall not exceed \$10,000.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-2889-03-365
Brocket Equity Elevator Company
Sardis, ND - License No. 141
Discontinue Business
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-2889-03-365 granting the request of Brocket Equity Elevator Company to discontinue business at Sardis, North Dakota.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-366
Trinidad Benham Corp. - Roving Grain
Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-587-03-366 granting the request of Trinidad Benham Corp. of Denver, Colorado, to discontinue business as a North Dakota roving grain buyer.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-367
Oilseed Partners, LLC - Roving Grain
Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-587-03-367 granting the request of Oilseed Partners, LLC of Inver Grove Heights, Minnesota, to discontinue business as a North Dakota roving grain buyer.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-439-03-384
Edward F & Kathleen A Walton dba
Walton Ag Services
Ex Parte Cease & Desist
Notice of Opportunity for Hearing

Mr. Clark: I move the Commission issue a Cease and Desist Order and a corresponding Notice of Opportunity for Hearing in Case No. GE-439-03-384, Public Service Commission, Edward F. & Kathleen A. Walton doing business as Walton Ag Services, Ex Parte Cease & Desist.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Haynes AML Site
Planting Services
Close Contract No. AM-451-02

Mr. Reinbold: I move the Commission close out Contract No. AM-451-02 with the Adams County Soil Conservation District for tree and shrub planting services at the Haynes abandoned mine land site in Adams County.

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

Case No. PU-2805-03-269
Otter Tail Corporation
June 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-2805-03-269, Otter Tail Corporation's Electric Fuel Cost Adjustment for June 2003.

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

Case No. PU-399-03-296
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Electric Rate Increase
Application

Mr. Reinbold: I move the Commission postpone consideration of MDU's request for July 1, 2003, interim rates, Case No. PU-399-03-296, Montana-Dakota Utilities Co., Electric Rate Increase Application. I further move that MDU and advocacy staff file briefs by July 16, 2003, on the legality and merits of the Commission making an interim rate decision after July 1, 2003, with those interim rates becoming effective retroactively, including the appropriate method for collection from customers.

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

Case No. RC-822-02-470
BNI Coal, Ltd
Revision No. 8, Permit No. BNCR-9702
Approval

Mrs. Wefald: I move the Commission approve Revision No. 8 to Surface Coal Mining Permit No. BNCR-9702, held by BNI Coal Ltd., to add 561.13 acres to the permit area and to update mining and reclamation plans. I also move the Commission approve self-bond and collateral bond documents associated with the area added to the permit.

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

Case No. RC-702-03-127
Coteau Properties Company
Renewal No. 4, Permit NACT-8203
Approval

Mrs. Wefald: I move the Commission approve Renewal No. 4 to Surface Coal Mining Permit No. NACT-8203, held by the Coteau Properties Company, to extend the permit term another five years, until July 6, 2008.

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

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

Mrs. Wefald: 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."

Case No. PU-2048-03-235
North Dakota Network Co.
Designated Eligible Carrier
Application
Valuation Billing

Mrs. Wefald: I move the Commission bill North Dakota Network Co. for costs incurred to date in Case No. PU-2048-03-235, North Dakota Network Co., Designated Eligible Carrier, Application.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2875-03-266
Covista, Inc.
Local Exchange/Interexchange
Public Convenience & Necessity

Mrs. Wefald: I move the Commission bill Covista, Inc. for costs incurred to date in Case No. PU-2875-03-266, Covista, Inc., Local Exchange/Interexchange, Public Convenience & Necessity.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-296
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Electric Rate Increase
Application

Mrs. Wefald: I move the Commission appoint Jerry Lein as advocacy staff in Montana-Dakota Utilities Co.'s Electric Rate Increase application in Case No. PU-399-03-296.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-296
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Electric Rate Increase
Application

Mrs. Wefald: I move the Commission execute a \$36,004 contract with Snavely King Majoros O'Connor & Lee, Inc. for consulting services in Montana-Dakota Utilities Co.'s Electric Rate Increase Application, Case No. PU-399-03-296.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Travel Funding Denial

Mr. Clark: I move that the Public Service Commission deny future travel funding authorization and future conference registration funding authorization for Commissioner Reinbold effective immediately and for an indefinite amount of time.

Mrs. Wefald: I second the motion.

Roll Call: Mrs. Wefald: "Aye."

Mr. Reinbold: "Nay."

Mr. Clark: "Aye."

July 2, 2003

Page 12

ATTEST

THE COMMISSION ADJOURNED AT 12:30 P.M.

Executive Secretary

TONY T. CLARK, PRESIDENT