

July 31, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 31, 2003, 10:00 a.m. Present were Commissioners Wefald, Reinbold, and Clark.

Minutes

Mr. Reinbold: I move the minutes of July 16, and 22, 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:

Cellular One	288.08
FedEx	28.94
UniqueScreen Media	262.50
ND Newspaper Association	1452.10
Kelly Services, Inc.	922.40
Crosby Self Serve	31.00
Patrick Fahn	422.12
Quality Construction, Inc.	28,615.36
Stephan A. Schroeder	18.00
NCWM	65.00
Thiem Drilling, Inc.	71,569.98
C & A Advertising	2,316.67
Illona A. Jeffcoat-Sacco	186.10
VoorTech Consulting	180.00
Leo Praus	451.20
GeoServ, Inc.	4,445.00
COGMA	200.00
Elan	7,991.96
OMB – Risk Management	406.58
Reservation Telephone	105.71
Department of Transportation	14,259.41
Office of Administrative Hearings	147.42

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2898-03-402  
Motion Telecom, Inc.  
Long Distance Reseller  
Application

Mr. Reinbold: I move the Commission issue a Certificate of Registration to Motion Telecom, Inc. to resell interexchange telecommunications services in North Dakota, Case No. PU-2898-03-402.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-439-03-31  
Weights and Measures  
Rulemaking

Mr. Reinbold: I move the Commission adopt the Order Submitting Rules to Attorney General for an opinion as to legality and whether they conflict with any other state law or rule, Case Nos. WM-439-03-31 and GS-439-03-106.

Case No. GS-439-03-106  
Gas Safety  
Rulemaking

Article 69-09 Amendments to Gas Safety  
Article 69-10 Amendments to Weights and Measures  
Mr. Clark: I second the motion.  
Roll Call: All voting "Aye."

Case No. GE-587-03-419  
Lansing Grain Company, LLC - Roving  
Grain Buyer  
License Application

Mr. Reinbold: I move the Commission approve the roving grain buyer license application for Lansing Grain Company, LLC of Okemos, Michigan, effective August 1, 2003.

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

Case No. GE-587-03-426  
Osendorf Livestock, Inc. - Roving Grain  
Buyer  
License Application

Mr. Reinbold: I move the Commission approve the roving grain buyer license application for Osendorf Livestock, Inc. of Rhame, North Dakota, effective August 1, 2003.

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

Case No. PU-2077-02-308  
WWC Holding Co., Inc.  
Interconnection Arbitration  
Application

Mr. Reinbold: I move the Commission close WWC Holding Co., Inc.'s interconnection arbitration application, Case No. PU-2077-02-308.

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

Case No. AU-896-03-431  
Stanford G. David - Auctioneer  
License Application

Mr. Reinbold: I move the Commission approve the auctioneer license application for Stanford G. Davis of Pittsburgh, Pennsylvania.

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

Case No. AU-896-03-432  
Stanford G. David - Auction Clerk  
License Application

Mr. Reinbold: I move the Commission approve the auction clerk license application for Stanford G. Davis of Pittsburgh, Pennsylvania.

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

Case No. AU-896-03-444  
Martin I. Davis - Auctioneer  
License Application

Mr. Reinbold: I move the Commission approve the auctioneer license application for Martin I. Davis of Pittsburgh, Pennsylvania.

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

Mr. Clark: I move the Commission adopt the Order and issue Certificates of Public Convenience and Necessity authorizing Covista, Inc. to provide competitive local exchange and interexchange telecommunications services in North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-439-03-271  
Rail Rates on Grain  
Investigation  
Issue Contract

Mr. Clark: I move that the Commission enter into a contract with Thompson Hine for \$130,000 for consulting and legal services associated with the rail rate investigation authorized by the 2003 Legislature. I further move that staff be authorized to enter into a "Joint Litigation and Information Sharing Agreement" with the North Dakota parties that are involved in this proceeding.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-418  
Lansing Grain Co. - Roving Grain  
Buyer  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-587-03-418 granting the request of Lansing Grain Co., of Okemos, Michigan, to discontinue business as a North Dakota roving grain buyer effective August 1, 2003.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-420  
Shoemaker Grain Company, Inc. -  
Roving Grain Buyer  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-587-03-420 granting the request of Shoemaker Grain Company, Inc. of Belle Fourche, South Dakota, to discontinue business as a North Dakota roving grain buyer effective August 1, 2003.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-2246-03-421  
North Central Elevator, Inc.  
Munich, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case Nos. GE-2246-03-421, and GE-2224-03-422 automatically discontinuing business effective August 1, 2003, of: North Central Elevator, Inc. at Clyde and Langdon, North Dakota and Dakota Sunflower, Inc. at West Fargo, Durbin and Berea, North Dakota, for failure to file the required grain warehouse renewal in a timely manner.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-2224-03-422  
Dakota Sunflower, Inc.  
West Fargo, ND  
Discontinue Business

Case No. GE-2902-03-423  
Triebold Elevator Inc.  
Oriska, ND  
Discontinue Business

Case No. GE-2903-03-427  
Pingree Elevator Company  
Pingree, ND  
Discontinue Business

Case No. GE-2904-03-428  
H & K Storage, Inc.  
Urbana, ND  
Discontinue Business

Case No. GE-611-03-430  
Forest River Bean Company, Inc  
Prosper, ND  
Discontinue Business

Case No. GE-580-03-424  
Sheldon Farmers Elevator Company  
Sheldon, ND  
Discontinue Business

Case No. GE-2809-03-425  
Plains Grain & Agronomy, LLC  
Grain Warehouse - Enderlin, ND  
License Application

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

Mr. Clark: I move the Commission issue an order in Case Nos. GE-2902-03-423, GE-2903-03-427, GE-2904-03-428, GE-611-03-430, granting the requests of: Triebold Elevator, Inc. to discontinue business at Oriska, North Dakota; Pingree Elevator Company to discontinue business at Pingree, North Dakota; H & K Storage, Inc. to discontinue business at Urbana, North Dakota; and Forest River Bean Company, Inc. to discontinue business at Prosper, North Dakota, all effective August 1, 2003

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Mr. Clark: I move the Commission issue an order in Case No. GE-580-03-424 granting the request of Sheldon Farmers Elevator Company to discontinue business at Sheldon, Lisbon, and Anslem, North Dakota, effective July 23, 2003

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

Mr. Clark: I move the Commission issue an order in Case No. GE-2809-03-425 granting the request of Plains Grain and Agronomy, LLC to operate a 460,000-bushel grain warehouse at Sheldon, a 164,000-bushel grain warehouse at Lisbon, and a 443,000-bushel grain warehouse at Anslem, all located in North Dakota, effective July 23, 2003.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Mr. Clark: I move the Commission adopt the order designating North Dakota Network Co. as an Eligible Telecommunications Carrier, Case No. PU-2048-03-235.

Mr. Reinbold: 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  
Approve Settlement Agreement

Mr. Reinbold: I move the Commission adopt the Order Approving Settlement Agreement in Montana-Dakota Utilities Co.'s Natural Gas Rate Increase application, Case No. PU-399-02-183.

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

Case No. PU-399-03-398  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc  
August 2003  
Purchased Gas Adj. Natural Gas

Mr. Reinbold: I move the Commission approve Montana-Dakota Utilities Co.'s Natural Gas Purchased Gas Adjustment for August 2003, Case No. PU-399-03-398.

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

Case No. PU-402-03-399  
Great Plains Natural Gas Co.  
July 2003  
Purchased Gas Adjustment

Mr. Reinbold: I move the Commission approve Great Plains Natural Gas Co.'s purchased gas adjustment for July 2003, Case No. PU-402-03-399.

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

Case No. GS-399-03-273  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc  
Gas Safety - Dakota Heartland Division  
Violation

Mr. Reinbold: I move the Commission approve the Findings of Fact, Conclusions of Law and Order in Case No. GS-399-03-273, Montana-Dakota Utilities Co., Gas Pipeline Safety Violation, finding two gas pipeline safety violations in the Montana-Dakota Utilities Co.'s Dakota Heartland Division, Bismarck, North Dakota, and assessing a penalty of two thousand six hundred dollars for the violations.

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

Case No. GS-399-03-277  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc  
Williston District--Gas Pipeline Safety  
Violation

Mr. Reinbold: I move the Commission approve the Findings of Fact, Conclusions of Law and Order in Case No. GS-399-03-277, Montana-Dakota Utilities Co., Gas Pipeline Safety Violation, finding a gas pipeline safety violation in the Montana-Dakota Utilities Co.'s Badlands Division, Bismarck, North Dakota, and assessing a penalty of eight hundred dollars for the violation.

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

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

Mr. Reinbold: I move the Commission modify Contract Number AM-456-03 to change the performance period from August 18 - October 18, 2003 to August 4, - October 4, 2003 for construction services at the Buechler/Garrison abandoned mine land sites in Ward and McLean Counties.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Reinbold: I move the Commission modify Contract Number AM-457-03 to change the performance period from August 18 - October 18, 2003 to August 4, - October 4, 2003 for material testing services at the Buechler/Garrison abandoned mine land sites in Ward and McLean Counties.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-02-646  
Northern States Power Company  
Recovery of Renewable Development  
Cost  
Tariff

Mrs. Wefald: I move the Commission acknowledge Northern States Power Company's request to withdraw its Recovery of Renewable Development Cost tariff, Case No. PU-400-02-646.

Mr. Reinbold: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:00 NOON

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Executive Secretary

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TONY T. CLARK, PRESIDENT