

September 11, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 11, 2003, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mrs. Wefald: I move the minutes of August 28, 2003, be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Bills

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

Ben Johnson Associates, Inc.	2,019.00
UniqueScreen Media	258.33
ND Newspaper Association	1,144.43
University of North Dakota – ND IVN	220.00
Bruce E. Beechie	403.10
Bill Eide	108.12
Bruce A. Johnson	24.00
Guy Welch	24.00
Dean K. Moos	30.00
Larry L. Larson	12.00
David Bickel	18.00
Phyllis G. Richter	849.63
William W. Binek	28.00
William E. Dodd	162.00
Kevin Hanson	690.30
Richard Fillbrandt	138.82
Stephan A. Schroeder	93.50
Mark Knell	265.22
Kelly Services, Inc.	461.20
JP Robbins	381.80
Larry Reisenauer	121.60
Kevin Cramer	120.75
Timothy A. Erdmann	245.19
Wayne Grangaard	653.54
Leo D. Praus	331.15
Presort Plus	6.97
The Kenmare News, Inc.	32.00
Williston Daily Herald	106.24
Quality Construction, Inc.	4,130.00
NARUC	1,275.00
Nirander M. Safaya	18.00
Risk Management	5,372.00
Facility Management	38.22
Facility Management	1,117.09

Bills Continued

ITD

12.00

ITD

1,636.04

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-295

Local Competition
Investigation

Mrs. Wefald: I move the Commission adopt the Order Granting Intervention to AT&T Communications of the Midwest, Inc. in the Public Service Commission's Local Competition Investigation, Case No. PU-439-03-295.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-436

Otter Tail Corporation
Michael Nelson, Casselton, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Michael Nelson for a grain bin site near Mapleton, North Dakota, Case No. PU-2805-03-436.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-445

Otter Tail Corporation
FPL Energy North Dakota Wind II, LLC,
Edgeley, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to FPL Energy North Dakota Wind II, LLC for wind generation facilities near Edgeley, North Dakota, Case No. PU-2805-03-445.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-448

Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
SRT Communications, Inc., Minot, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to SRT Communications, Inc. for a microwave tower site near Tolley, North Dakota, Case No. PU-399-03-448.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-449

Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Cecelia M. Veikley, Laurence & Myong
Suk Veikley, Minot, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Cecelia M. Veikley, Laurence R. Veikley, and Myong Suk Veikley for a residential site near Tolley, North Dakota, Case No. PU-399-03-449.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-450
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Selmer Spitzer, Dawson, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Selmer Spitzer for a residential site near Dawson, North Dakota, Case No. PU-399-03-450.

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

Case No. PU-2805-03-464
Otter Tail Corporation
Bruce Miller, Wahpeton, ND
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Bruce Miller for a residential site near Wahpeton, North Dakota, Case No. PU-2805-03-464.

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

Case No. AU-896-03-511
Chadley Hunter Smith - Auctioneer
License Application

Mrs. Wefald: I move the Commission approve the auctioneer license application for Chadley Hunter Smith, Ray, North Dakota.

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

Case No. RC-2524-03-187
Public Service Commission -
Reclamation Division
2004 Administration & Enforcement
Grant
Application

Mrs. Wefald: I move the Commission submit an amendment to the 2004 Administration and Enforcement Grant Application to the Office of Surface Mining to reduce the amount of the grant for funding the coal mining regulatory program.

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

Case No. AU-896-03-520
Martin Heinze - Auctioneer License
Suspension / Revocation

Mrs. Wefald: I move the Commission issue an order in Case No. AU-896-03-520 suspending auctioneer license number 724 of Martin Heinze, Dazey, North Dakota, for lack of adequate bond coverage and issue a Notice of Opportunity for Hearing on the matter.

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

Case No. PU-439-03-295
Public Service Commission
Local Competition
Investigation

Mr. Clark: I move the Commission adopt the Order Granting Trade Secret Protection to Qwest Corporation in the Public Service Commission's Local Competition Investigation, Case No. PU-439-03-295.

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

Case No. GE-439-03-385
vs Edward F & Kathleen A Walton dba
Walton Ag Svc
Complaint
Assessing Fine

Mr. Clark: I move the Commission assess a five thousand dollar fine against Edward F. & Kathleen A. Walton, dba Walton Ag Services, in Case No. GE-439-03-385 for the company's failure to apply for and receive the required warehousing or grain buying license. All but two thousand five hundred dollars of this fine is suspended pending compliance with all state grain warehousing or grain buying laws for the next two years.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-2905-03-429
Walton Ag Services, Inc. dba Walton
Ag Services
Grain Warehouse - Englevale, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-2905-03-429 granting the request of Walton Ag Services, Inc. dba Walton Ag Services to operate a 41,000-bushel grain warehouse at Englevale, North Dakota, effective August 29, 2003. I further move that the Cease & Desist Order dated July 2, 2003 is canceled.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-2636-03-515
Bentley Equity Exchange
License No. 285 - Bentley, ND
Suspension/Revocation
Notice of Opportunity for Hearing

Mr. Clark: I move the Commission issue an order in Case No. GE-2636-03-515 automatically suspending warehouse license number 285 of Bentley Equity Exchange, Bentley, North Dakota, effective September 8, 2003, for lack of an adequate bond filing and issue a Notice of Opportunity for Hearing on the matter.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-468
FERC - ER03-1118-000
Intervention

Mrs. Wefald: I move the Commission intervene in the captioned proceeding before the Federal Energy Regulatory Commission concerning the application of the Midwest Independent System Operator, Inc. for approval of its proposed Open Access Transmission Energy Market Tariff, FERC Docket No. ER03-1118-000, PSC Case No. PU-439-03-468.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-487
Otter Tail Corporation
September 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-2805-03-487, Otter Tail Corporation's Electric Fuel Cost Adjustment for September 2003.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-491
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
September 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for September 2003, Case No. PU-399-03-491.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-03-500
Northern States Power Company
September 2003
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for September 2003, Case No. PU-400-03-500.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-822-03-213
BNI Coal, Ltd
Revision No. 10, Permit BNCR-9702
Approval

Mrs. Wefald: I move the Commission approve Revision No. 10 to Surface Coal Mining Permit No. BNCR-9702, held by the BNI Coal, Ltd. for the Center Mine, to change the postmining land use on 67.95 acres to industrial for an inert waste disposal facility in Section 3, T141N, R84W, and to update mining and reclamation plans in response to the recent midterm permit review.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2280-00-200
Otter Tail Power Company/Northern
States Power Co.
230 kV Transmission Line/Pierce,
Rolette County
Siting Application

Mrs. Wefald: I move the Commission acknowledge its August 29, 2003, letter to Otter Tail Corporation and Northern States Power Company regarding the need for certificates of public convenience and necessity for these two transmission lines, Case No. PU-401-99-586 and Case No. PU-2280-00-200.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-401-99-586
Otter Tail Power Company
230 Kv Transmission Line/Pierce Wells
County
Siting Application

Case No. PU-400-03-505
Northern States Power Company
September 2003
Purchased Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for September 2003, Case No. PU-400-03-505.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2919-03-510
AML Coal Fire Suppression
Grant
Application

Mr. Cramer: I move the Commission submit a grant application to the Office of Surface Mining Reclamation and Enforcement, to acquire federal funds to extinguish coal outcrop fires in North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Probation Completed

Mrs. Wefald: Based upon her satisfactory completion of a six-month probationary period, I move that Sheila Hanson be given a salary increase effective September 1, in an amount consistent with the terms set forth in the Commission's 2/1/03 offer of employment.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:47 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT