

September 24, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 24, 2003, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mrs. Wefald: I move the minutes of September 11, 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:

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|---|-----------|
| Thiem Drilling, Inc. | 77,172.68 |
| Snavely King Majoros O'Connor & Lee, Inc. | 3,306.01 |
| Interiors By France of Bismarck, Inc. | 295.00 |
| Walton Ag Services, Inc. | 150.00 |
| Bismarck Tribune | 141.12 |
| Worklife PrimeCare | 30.00 |
| The Journal | 58.80 |
| Country Media, Inc. | 78.40 |
| ND Newspaper Association | 1,569.77 |
| Embarcadero Technologies | 1,250.00 |
| Gloria Geiger | 469.10 |
| Cellular One | 291.03 |
| NDTA (ND Telephone Association) | 55.00 |
| Bill Eide | 588.00 |
| Material Testing Services, Inc. | 6,475.00 |
| Hewlett-Packard Company | 2,803.00 |
| Leo Praus | 495.20 |
| Sybase IAD Subscription Services | 1,309.95 |
| Thiem Drilling, Inc. | 68,728.06 |
| Jon H. Mielke | 190.00 |
| William W. Binek | 311.47 |
| DOT | 10,423.71 |
| ITD | 1,994.48 |
| Risk Management | 8,090.82 |
| Elan | 2,852.32 |

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 WorldCom, 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-2918-03-509
Extend America, Inc.
Long Distance/Local Exchange
Reseller
Application

Mrs. Wefald: I move the Commission issue Certificates of Registration to Extend America, Inc. to resell interexchange and local exchange telecommunications services in North Dakota, Case No. PU-2918-03-509.

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

Case No. PU-2926-03-519
US LEC Communications Inc.
Long Distance Reseller
Application

Mrs. Wefald: I move the Commission issue a Certificate of Registration to US LEC Communications Inc. to resell interexchange telecommunications services in North Dakota, Case No. PU-2926-03-519.

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

Case No. PU-2927-03-523
Telrite Corporation
Long Distance Reseller
Application

Mrs. Wefald: I move the Commission issue a Certificate of Registration to Telrite Corporation to resell interexchange telecommunications services in North Dakota, Case No. PU-2927-03-523.

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

Case No. PU-2861-03-526
C III Communications Operations, LLC
Name Change
Application

Mrs. Wefald: I move the Commission reissue Certificate of Registration No. 917 to Broadwing Communications, LLC, Case No. PU-2861-03-526.

Mr. Cramer: 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
Intervention

Mrs. Wefald: I move the Commission adopt the Order Granting Intervention to Jim Roache in Montana-Dakota Utilities Co.'s electric rate increase application, Case No. PU-399-03-296.

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

Case No. PU-399-03-485
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
Allen Fleck, Mandan, 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 Allen Fleck for a residential site near Mandan, North Dakota, Case No. PU-399-03-485.

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

Case No. AU-896-03-535
Auction Section Public Service
Commission
Jason J. Pulver - Auctioneer
License Application

Mrs. Wefald: I move the Commission approve the auctioneer license application for Jason J. Pulver, Beulah, North Dakota

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

Case No. AU-896-03-536
Jason J. Pulver - Auction Clerk
License Application

Mrs. Wefald: I move the Commission approve the auction clerk license application for Jason J. Pulver, Beulah, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-439-03-533
2004 Federal/State Gas Pipeline
Safety
Grant Application

Mrs. Wefald: I move the Commission submit the 2004 Federal/State Gas Pipeline Safety Grant Application in the amount of \$73,411 to the U.S. Department of Transportation, Office of Pipeline Safety, Washington, D.C. for the operation and management of the 2004 North Dakota intrastate gas pipeline safety program.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-295
Local Competition
Investigation

Mr. Clark: I move the Commission send a letter notifying North Dakota telecommunications companies of the recommended procedure in the 90-day triennial review process 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. PU-2880-03-340
GLOBCOM INCORPORATED
Local Exchange/Interexchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue certificates of public convenience and necessity authorizing GLOBCOM INCORPORATED to provide facilities based competitive local and interexchange telecommunication services in North Dakota

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2887-03-359
IDT America, Corp.
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue certificates of public convenience and necessity authorizing IDT America Corp. to provide facilities based competitive local exchange telecommunication services in North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-403
USF Use Certification 47CFR54.314
(2004)
Compliance

Mr. Clark: I move the Commission adopt the Order regarding universal service certification for rural eligible telecommunications carriers, Case No. PU-439-03-403.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2909-03-447
Mental Health Association
211 Designation
Application

Mr. Clark: I move the Commission adopt the Order in Case No. PU-2909-03-447, Mental Health Association's application for 211 Designation.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2800-03-368
MCImetro Access Transmission
Services LLC/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-2463-03-393
Integra Telecom of North Dakota,
Inc./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2823-03-400
WaveSent LLC/Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2822-03-401
Joseph B. McNeal d/b/a Page
Data/Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2482-03-439
Preferred Carrier Services, Inc./Qwest
Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2800-03-451
MCImetro Access Transmission
Services LLC/Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2915-03-490
Alticomm, Inc./Qwest Corporation
Interconnection Agreement
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. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2921-03-512
DIECA Communications, Inc./Qwest Corporation
Interconnection Agreement
Application

Case No. PU-2271-03-529
Sprint Communications Company
L.P./Qwest Corporation
Interconnection Agreement
Amendment
Application

Case No. PU-2928-03-530
Onvoy, Inc./Qwest Corporation
Interconnection Agreement
Application

Case No. PU-2930-03-538
Cellco Partnership/Consolidated
Communications Networks, Inc.
Interconnection Agreement
Application
Notice of Opportunity

Case No. GE-2929-03-534
Buffalo Grain Company, L.L.C. dba
Buffalo Grain Company
Grain Warehouse - Buffalo, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-2929-03-534 granting the request of Buffalo Grain Company, L.L.C. dba Buffalo Grain Company to operate a 211,000-bushel grain warehouse at Buffalo, North Dakota, effective September 17, 2003.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-295
Local Competition
Investigation
Notice of Intervention Deadline

Mr. Clark: I move the Commission issue a Notice of Intervention Deadline 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-439-03-468
FERC - ER03-1118-000
Intervention

Mrs. Wefald: I move the Commission acknowledge joining in comments filed by the Organization of MISO States, Inc. (OMS) and the filing of the Commission's own supplemental comments to the Federal Energy Regulatory Commission on September 15, 2003 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. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-462-98-546
Koch Pipeline Company, L.P. (formerly
Koch Gathering Systems Inc)
Buy/Sell - Certificates, Permits Transfer
Application

Mr. Cramer: I move the Commission adopt the Order and transfer Corridor Certificate Nos. 23, 28, 47 and 48, and Route Permit Nos. 14, 22, 28, 52, 58 and 59 to from Koch to EOTT Energy Pipeline Limited Partnership.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-521
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
October 2003
Purchased Gas Adjust. Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane purchased gas adjustment for September 2003, Case No. PU-399-03-521.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-522
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
October 2003
Purchased Gas Adj. Natural Gas

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s Natural Gas Purchased Gas Adjustment for October 2003, Case No. PU-399-03-522.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-402-03-528
Great Plains Natural Gas Co.
September 2003
Purchased Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s purchased gas adjustment for September 2003, Case No. PU-402-03-528.

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 authorize procurement of construction services to eliminate coal outcrop fires using competitive sealed bidding procedures with solicitation by mail to qualified bidders.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2933-03-541
AML Maintenance
2003-2006 AML Construction
Project

Mr. Cramer: I move the Commission authorize procurement of construction services for maintenance using competitive sealed bidding procedures with solicitation by mail to qualified bidders for abandoned mine sites in western North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

AML Sites for 2004

Mr. Cramer: I move the Commission approve Beulah/Zap Phase 8, Belfield Phase 1, Columbus Phase 6, Garrison Phase 3, and Snake Road for reclamation in 2004.

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
Intervention

Mrs. Wefald: I move the Commission adopt the Order Granting Intervention to AARP 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."

ATTEST

THE COMMISSION ADJOURNED AT 10:50 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT