

December 3, 2003

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 3, 2003, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of November 20, 2003, be approved.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Bills

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

Queen City Abstract, Title & Escrow, Inc.	60.00
UniqueScreen Media	1,420.83
ND Newspaper Association	2,344.59
Ben Johnson Associates, Inc.	600.00
Kevin Cramer	790.40
Larry Reisenauer	87.05
Bruce A. Johnson	18.00
Susan Wefald	129.96
Jim Deutsch	418.39
David Bickel	413.09
Stephan A. Schroeder	91.25
Cellular One	121.46
Bruce E. Beechie	537.92
Larry L. Larson	12.00
Dean K. Moos	42.00
Guy Welch	18.00
Richard Fillbrandt	423.69
Timothy A. Erdmann	394.74
Phyllis G. Richter	389.71
JP Robbins	141.95
Leo D. Praus	320.05
William E. Dodd	110.80
Mark Knell	91.90
Basaraba Excavating & Dirt Works, LLC	17,246.86
Jerry Lein	53.70
Hanson's Excavating, Inc.	15,702.50
Bill Eide	623.83
Franz Construction, Inc.	7,500.00
Anthony T. Clark	43.30
Wayne Grangaard	283.50
Attorney General	14.99
Central Services	160.41
Central Duplicating	236.71

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2964-03-650  
Cat Communications International, Inc.  
Long Distance/Local Exchange  
Reseller  
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to Cat Communications International, Inc. to resell interexchange and local exchange telecommunications services in North Dakota, Case No. PU-2964-03-650.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-661  
Brush Creek Organic Foods, LLC -  
RGB  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Brush Creek Organic Foods, LLC, Beulah, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-662  
Horizon AgCo, Inc. - Roving Grain  
Buyer  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Horizon AgCo Inc., Maple Grove, Minnesota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-664  
Grain Millers, Inc. - Roving Grain Buyer  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Grain Millers, Inc., Eden Prairie, Minnesota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-615  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc.  
Randy Graner, Mandan, ND  
Public Convenience & Necessity

Mr. Cramer: 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 Randy Graner for a residential site near Mandan, North Dakota, Case No. PU-399-03-615.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-616  
Montana-Dakota Utilities Co., a  
Division of MDU Resources Group, Inc.  
Karl Freadhoff, New Salem, ND  
Public Convenience & Necessity

Mr. Cramer: 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 Karl Freadhoff for a small commercial shop site near Judson, North Dakota, Case No. PU-399-03-616.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-619  
 Otter Tail Corporation  
 Barb Neitzke, Mapleton, ND  
 Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Barb Neitzke for a residential site near Mapleton, North Dakota, Case No. PU-2805-03-619.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-03-629  
 Otter Tail Corporation  
 Dennis Klosterman, Mooreton, ND  
 Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Dennis Klosterman for a residential site near Mooreton, North Dakota, Case No. PU-2805-03-629.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-2472-03-635  
 Dakota Westmoreland Corporation  
 Variance Request, Permit KRSB-8802  
 Approval

Mr. Cramer: I move the Commission approve a variance to the ten-year performance bond liability period for two reclaimed sedimentation pond areas in the S½ of Section 8, T143N, R87W, within Surface Coal Mining Permit No. KRSB-8802 held by Dakota Westmoreland Corporation for the Beulah Mine.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification/Recertification  
 Approval

Mr. Cramer: I move the Commission approve the blaster certification/recertification of the following applicants:

<u>Applicant</u>	<u>Affiliation</u>	<u>Certificate No.</u>
<u>CERTIFICATION</u>		
Rachel Erickson	Dakota Westmoreland	03-11-265
Wayne Hoger	Dakota Westmoreland	03-11-266
Ernest J. Blohm	Coteau Properties Company	03-11-267
<u>RECERTIFICATION</u>		
Gregory Salaj	Falkirk Mining Company	89-11-163-R(2)*

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-896-03-659  
 Ivan J. Gange - Auctioneer  
 License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Ivan J. Gange, Mandan, North Dakota, effective November 26, 2003.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-896-03-660  
Ivan J. Gange - Auction Clerk  
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Ivan J. Gange, Mandan, North Dakota, effective November 26, 2003.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission adopt the Procedural Order 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-2967-03-666  
BEK Communications Cooperative, et  
al.  
vs SmartNET, Inc.  
Complaint

Mr. Clark: I move the Commission find the complaint states a prima facie case, and serve the complaint on SmartNET, Inc.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-663  
Agri Trading Corporation - Roving  
Grain Buyer  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-587-03-663 granting the request of Agri Trading Corporation of Hutchinson, Minnesota, to discontinue business as a North Dakota roving grain buyer.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-03-675  
Martin Altendorf - Roving Grain Buyer  
Suspension/Revocation  
Notice of Opportunity

Mr. Clark: I move the Commission issue an order in Case No. GE-587-03-675 suspending roving grain buyer license number 3042 of Martin Altendorf, Minto, North Dakota, 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-2805-03-231  
Otter Tail Corporation  
2002  
Annual Report

Mrs. Wefald: I move the Commission adopt the Order in Otter Tail Corporation's proposed changes to its performance-based ratemaking plan, effective January 1, 2004, Case No. PU-2805-03-231.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2961-03-634  
Shell Pipeline Company LP  
Transfer Permit and PC&N  
Application  
Notice of Opportunity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application to transfer the route permit and certificate of public convenience and necessity from Shell Pipeline Company LP to Bridger Pipeline LLC, Case No. PU-2961-03-634.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-402-03-649  
Great Plains Natural Gas Co.  
November 2003  
Purchased Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s purchased gas adjustment for November 2003, Case No. PU-402-03-649.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2940-03-551  
Belfield Phase I  
2004-2007 AML Design  
Project

Mr. Cramer: I move the Commission close-out Contract No. AM-471-03 with Queen City Abstract, Title & Escrow, Inc., Dickinson, ND for a title memorandum of the Belfield Phase I abandoned mine land site in Stark County.

Not specified: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:45 A.M.

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Executive Secretary

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TONY T. CLARK, PRESIDENT