

January 28, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 28, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of January 14, 2004, 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:

Cellular One	214.31
Bruce E. Beechie	465.60
Qwest Regional Oversight Committee	130.00
Thompson Hine LLP	23,166.61
Jon Mielke	164.70
Susan E. Wefald	59.50
Anthony T. Clark	269.78
Leo D. Praus	415.20
Kevin Cramer	200.81
Kern & Associates, Inc.	425.00
Industrial Commission	644.31
Elan	4,379.59
DOT	7,884.37
ITD – 12/03 Microfilm Chg	3.00
Facilities Mgmt – 12/03 postage	1,262.77
Central Services – 12/03 printing	148.17
ITD – 12/03 billing	1,791.93
ITD – 12/03 phone charges	1,577.23
Office of Administrative Hearing	281.91

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2375-03-126
New Access Communications LLC
Local Exchange
Public Convenience & Necessity
Withdrawn

Mr. Cramer: I move the Commission grant New Access Communications LLC's request to withdraw its application for Certificates of Public Convenience and Necessity to provide competitive local exchange telecommunications services in North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission adopt the Order Granting Amended Intervention in the Public Service Commission's Local Competition Investigation, Case No. PU-439-03-295.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-587-04-27
Kevin Symanowski - Roving Grain Buyer
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Kevin Symanowski, Reeder, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-04-22
Northern States Power Company
Recovery of Renewable Development Cost
Suspend Tariff

Mr. Cramer: I move the Commission suspend Northern States Power Company's Recovery of Renewable Development Cost tariff, Case No. PU-400-04-22.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-896-04-28
Nathan M. Andres - Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Nathan M. Andres, Bismarck, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2957-03-624
XO Network Services, Inc.
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a certificate of public convenience and necessity in the application of XO Network Services, Inc. for authority to provide facilities-based competitive local exchange telecommunication services in North Dakota, Case No. PU-2957-03-624.

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
Notice of Hearing

Mr. Clark: I move the Commission issue a Notice of Hearing in BEK Communications Cooperative, et al vs. SmartNET, Inc. Complaint, Case No. PU-2967-03-666.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-2994-04-17
Cenex Harvest States
Rail Clearance Variance - Kindred
Application

Mr. Clark: I move the Commission grant the request of Cenex Harvest States for a variance from the rail clearance standards prescribed by Section 49-10.1-13 of the North Dakota Century Code. The variance will permit the installation of a locomotive storage shed at the company's grain warehouse in Kindred, North Dakota. The corresponding rail will be equipped with reduced clearance warning signs.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2805-04-18
Otter Tail Corporation
Darwin Remmick, Jamestown, ND
Public Convenience & Necessity
Notice of Hearing

Mrs. Wefald: I move the Commission issue a Notice of Hearing in the application of Otter Tail Corporation for a certificate of public convenience and necessity to extend electric service to Darwin Remmick for a fertilizer storage site near Jamestown, North Dakota, Case No. PU-2805-04-18.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-758-02-351
Bellaire Corporation
Bond Release 6, Permit NAIH-8201
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 6 to Surface Coal Mining Permit No. NAIH-8201, held by the Bellaire Corporation for the Indian Head Mine, to release all remaining reclamation liabilities on 195.783 acres of land located in the S $\frac{1}{2}$ of Section 16, T144N, R88W, Mercer County. The amount of the bond release is \$84,960.00 and it will become effective March 1, 2004, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-758-02-512
Bellaire Corporation
Bond Release 5, Permit NAIH-8306
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 5 to Surface Coal Mining Permit No. NAIH-8306, held by the Bellaire Corporation for the Indian Head Mine, to release all remaining reclamation liabilities on 170.594 acres of land located in portions of Sections 15 and 16, T144N, R88W, Mercer County. The amount of the bond release is \$101,582.00 and it will become effective March 1, 2004, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-705-03-347
Falkirk Mining Company
Revision No. 24, Permit NAFK-8705
Approval

Mrs. Wefald: I move the Commission conditionally approve Revision No. 24 to Surface Coal Mining Permit No. NAFK-8705 held by the Falkirk Mining Company to change the postmining land use on 358 acres and to update other information and mining and reclamation plans in this permit.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-400-04-10
Northern States Power Company
January 2004
Purchased Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for January 2004, Case No. PU-400-04-10.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-04-15
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
February 2004
Purchased Gas Adj. Natural Gas

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s Natural Gas Purchased Gas Adjustment for February 2004, Case No. PU-399-04-15.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-04-16
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc
February 2004
Purchased Gas Adjust. Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane purchased gas adjustment for February 2004, Case No. PU-399-04-16.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-402-04-21
Great Plains Natural Gas Co.
January 2004
Purchased Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s purchased gas adjustment for January 2004, Case No. PU-402-04-21.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

2004 Federal/State Gas Pipeline
Safety
Certification and Agreement

Mr. Cramer: I move that the Commission sign and submit the 2004 Gas Pipeline Safety Certification Agreement to the U.S. Department of Transportation, Research and Special Programs Administration, signifying its planned participation in the 2004 gas pipeline safety program year.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:10 P.M.

Executive Secretary

TONY T. CLARK, PRESIDENT