

March 17, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 17, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of February 25 and March 5, 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:

Kern & Associates	543.75
NDSU – Restricted Fund Accounting	3,745.94
FedEx	11.35
Thompson Hine	10,121.08
Leo Praus	290.92
JP Robbins	585.70
Bruce Johnson	32.91
Guy Welch	12.00
Stephan A. Schroeder	79.25
Larry L. Larson	12.00
Dean K. Moos	36.00
Bill Eide	766.36
Timothy A. Erdmann	598.65
Richard Fillbrandt	418.99
Jerry Lein	336.45
Wayne Grangaard	589.08
Susan Wefald	270.70
Nirander M. Safaya	54.00
David Bickel	12.00
Phyllis G. Richter	699.40
SD Department of Transportation	50.00
Reed Business Information	1,188.02
Kevin Cramer	922.00
Cellular One	203.40
Anthony Clark	1,082.56
Elan	6,145.30
Office of Administrative Hearing	354.67
Facilities Management – ups charges	9.94
Department of Transportation	6,681.48
ITD – 2/04 billing	1,890.05
ITD – 2/04 phone chgs	1,307.41
Facilities Management – postage	843.16
OMB – Central Supply	231.19
OMB – Central Duplicating	628.62

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2342-02-586  
Qwest Corporation  
Multi-Tenant Environment Ruling  
Application  
Withdrawal

Mr. Cramer: I move the Commission acknowledge Qwest Corporation's request to withdraw its Request for Declaratory Order in this proceeding.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-84  
Southwestern Bell Communications  
Services, Inc.  
Local Exchange Reseller  
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to Southwestern Bell Communications Services, Inc. to resell local exchange telecommunications services in North Dakota, Case No. PU-04-84.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-85  
BEK Communications Cooperative vs.  
Qwest Corporation  
Complaint  
Withdrawal

Mr. Cramer: I move the Commission acknowledge BEK Communications Cooperative's request to withdraw its complaint against Qwest Corporation.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-101  
Consolidated Communications  
Operator Services, Inc  
Operator Services  
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to Consolidated Communications Operator Services, Inc. to provide operator services in North Dakota, Case No. PU-04-101.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-106  
Comtech 21, LLC  
Local Exchange Reseller  
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to Comtech 21, LLC to resell local exchange telecommunications services in North Dakota, Case No. PU-04-106.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-87  
Roger and Stacy Gussiaas Farm, Inc. -  
RGB  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Roger and Stacy Gussiaas Farm, Inc., Carrington, North Dakota effective February 27, 2004.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2829-03-83  
ITC Group/DCN/Illuminet  
vs Qwest Corporation  
Complaint

Mr. Cramer: I move that Alfred M. Mamlet and Marc A. Paul, non-resident attorneys, be given permission to practice before the Commission on behalf of Illuminet, Inc., in Case No. PU-2829-03-83.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-03-544  
 Montana-Dakota Utilities Co., a  
 Division of MDU Resources  
 John Reiss, Killdeer, 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 John Reiss for a residential site midway between Killdeer and Dunn Center, North Dakota, Case No. PU-399-03-544.

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

Case No. PU-04-35  
 Otter Tail Corporation  
 Robert Gulkin, Jamestown, 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 Robert Gulkin for a residential site near Jamestown, North Dakota, Case No. PU-04-35.

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

Blaster Recertification  
 Approval

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

Applicant	Affiliation	Certificate No.
<b>Recertification Course &amp; Test on February 25, 2004</b>		
Daryl Bykonen	Falkirk Mining Co.	85-10-049-R(4)
Larry L. Schnaidt	Dakota Westmoreland	85-12-066-R(5)
Doug J. Stoltz	Falkirk Mining Co.	89-11-162-R(5)
Casey O'Neil	Dakota Westmoreland	89-11-165-R(5)
Roland Jesser	Falkirk Mining Co.	92-11-196-R(4)
Robert C. Hovdenes	Falkirk Mining Co.	95-09-227-R(3)
David Beck	Falkirk Mining Co.	01-10-254-R(1)
<b>Recertification Course &amp; Test on March 3, 2004</b>		
Wayne Schlect	Dakota Westmoreland	85-07-010-R(4)
Steve Bennett	BNI Coal	85-07-019-R(5)
Wesly Neumiller	Falkirk Mining Co.	92-11-195-R(4)
Rick Johnson	Falkirk Mining Co.	01-03-247-R(1)
DeLane L. Bauer	Dakota Westmoreland	01-03-249-R(1)
Wayne Cline	Dakota Westmoreland	01-03-250-R(1)
Gerry L. Schatz	Dakota Westmoreland	01-03-251-R(1)

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

Case No. AU-04-89  
 Heidi L. Perry - AuctionClerk  
 License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Heidi L. Perry, New England, North Dakota.

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

Case No. AU-04-90  
Mike Schoch - Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Mike Schoch, New England, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-111  
Bryon Hansen - Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Bryon Hansen, Bismarck, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-112  
Bryon Hansen - Auction Clerk  
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Bryon Hansen, Bismarck, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-83  
Southwestern Bell Communications  
Services, Inc.  
Local Exchange  
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the captioned applications for certificates of public convenience and necessity 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-04-98  
ACN Communication Services, Inc  
Local Exchange  
Public Convenience & Necessity

Case No. PU-04-107  
Comtech 21, LLC  
Local Exchange  
Public Convenience & Necessity  
Notice of Opportunity

Case No. GE-04-86  
BTR Farmers Co-op  
Grain Warehouse - Niles, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-86 granting the request of BTR Farmers Co-op to operate a 739,000-bushel grain warehouse at Niles, North Dakota, effective February 27, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-88  
Bentley Equity Exchange  
License No. 285 - Bentley, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-88 granting the request of Bentley Equity Exchange to discontinue business at Bentley, North Dakota, effective February 28, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Department of Transportation  
Rail Rehabilitation Grant Application  
Concurrence

Mr. Clark: I move the Commission concur with a North Dakota Department of Transportation application for approximately \$2.4 million in federal Local Rail Freight Assistance funds to finance the rehabilitation of 15 miles of Red River Valley and Western track between Oakes and Independence, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-66  
Otter Tail Corporation  
March 2004  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-66, Otter Tail Corporation's Electric Fuel Cost Adjustment for March 2004.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-81  
Northern States Power Company  
March 2004  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for March 2004, Case No. PU-04-81.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-91  
Montana-Dakota Utilities Co., a  
Division of MDU Resources  
March 2004  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for March 2004, Case No. PU-04-91.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-758-03-480  
Bellaire Corporation  
Bond Release No. 4, Permit NAIH-  
8504  
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 4 to Surface Coal Mining Permit No. NAIH-8504, held by the Bellaire Corporation for the Indian Head Mine, to release all remaining reclamation liabilities on 601.895 acres of land located in portions of Sections 14, 15, 22, and 23, T144N, R88W, Mercer County. The amount of the bond release is \$360,133 and it will become effective April 19, 2004, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-705-03-667  
Falkirk Mining Company  
Revision No. 20, Permit NAFK-8405  
Approval

Mrs. Wefald: I move the Commission approve Revision No. 20 to Surface Coal Mining Permit No. NAFK-8405, held by the Falkirk Mining Company, to delete 124.1 acres that are also within Permit NAFK-8705 and to update mining and reclamation plans and other information in the permit.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-92  
Northern States Power Company  
March 2004  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for March 2004, Case No. PU-04-92.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-113  
Montana-Dakota Utilities Co., a  
Division of MDU Resources  
April 2004  
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for April 2004, Case No. PU-04-113.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-114  
Montana-Dakota Utilities Co., a  
Division of MDU Resources  
April 2004  
Cost of Gas Adj./Natural Gas

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s Natural Gas Cost of Gas Adjustment for April 2004, Case No. PU-04-114.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Appoint Illona A. Jeffcoat-Sacco  
Executive Secretary

Mr. Clark: I move the Commission appoint Illona A. Jeffcoat-Sacco Executive Secretary effective March 1, 2004.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Appoint William Binek  
Interim Railroad Duties

Mr. Clark: I move the Commission assign the rail duties to William Binek on an interim basis, effective March 8, 2004, until a final decision is made concerning those duties.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Appoint Susan Richter  
Interim Licensing Division Director

Mr. Clark: I move the Commission appoint Susan Richter Interim Director of the Licensing Division effective March 8, 2004, until a final decision is made concerning the position.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2746-03-585  
VAL-ED Joint Venture, L.L.P./Qwest  
Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mr. Cramer: I move the Commission bill Val-Ed  
Joint Venture, L.L.P. and Qwest Corporation for costs  
incurred to date in Case No. PU-2746-03-585, Val-Ed  
Joint Venture, L.L.P./Qwest Corporation, Interconnection  
Agreement Amendment, Application.  
Not specified: I second the motion.  
Roll Call: All voting "Aye."

Case No. PU-2746-03-586  
VAL-ED Joint Venture, L.L.P./Qwest  
Corporation  
Interconnection Agreement  
Amendment  
Application  
Valuation Billing

Mr. Cramer: I move the Commission bill Val-Ed  
Joint Venture, L.L.P. and Qwest Corporation for costs  
incurred to date in Case No. PU-2746-03-586, Val-Ed  
Joint Venture, L.L.P./Qwest Corporation, Interconnection  
Agreement Amendment, Application.  
Not specified: I second the motion.  
Roll Call: All voting "Aye."

Case No. AD-04-121  
Justin Hinds, et al. vs State of North  
Dakota  
Federal District Court Civil No. A3-04-13  
Civil Litigation

Mr. Cramer: I move the Commission authorize  
Commissioner Tony Clark, President of the Commission,  
to execute the Waiver of Service on behalf of the  
Commission in Case No. AD-04-121.  
Mrs. Wefald: I second the motion.  
Roll Call: All voting "Aye."

AML  
Hiring Construction Inspector

Mr. Cramer: I move the Commission hire Larry  
Reisenauer, Route 3, Box 53A, Belfield, North Dakota  
58622 for permanent part-time employment as a  
Construction Inspector with a period of employment from  
March 22, 2004, to November 30, 2004, at a salary of  
\$13.25 per hour plus time and a half for hours in excess  
of 40 hours per week.  
Mrs. Wefald: I second the motion.  
Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.

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Executive Secretary

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TONY T. CLARK, PRESIDENT