

November 3, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 3, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of October 20 and 22, 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:

ND Newspaper Association	453.14
Annette Bendish	964.22
Mike Diller	134.64
Leo D. Praus	379.20
Snavely King Majoros O'Connor & Lee, Inc.	1,250.99
Thiem Drilling, Inc.	71,668.55
Orrin A. Holen Construction, Inc.	21,845.65
Geoserv, Inc.	1,107.50
Guy Welch	48.00
David Bickel	12.00
Stephan Schroeder	34.00
Larry Larson	12.00
Thiem Drilling, Inc.	27,980.82
FedEx	103.88
ND State Board of Registration for Professional Engineers & Land Surveyors	384.00
William E. Dodd	82.00
Bruce Johnson	19.58
Larry Reisenauer	832.65
Wayne Grangaard	471.37
JP Robbins	595.78
Phyllis G. Richter	619.64
Leo D. Praus	216.51
Kevin Hanson	751.50
Richard Fillbrandt	225.15
Timothy A. Erdmann	279.54
Bill Eide	495.20
Bruce Beechie	120.00
Bill Eide	184.75
Mark Knell	323.75
Anthony T. Clark	621.31
Nirander Safaya	12.00
Burleigh County Sheriffs Dept.	10.00
Cellular One	225.02

Bills Continued

OMB – UPS	5.16
Office of Administrative Hearings	1,027.62
Mr. Clark: I second the motion.	
Roll Call: All voting "Aye."	

Case No. GE-04-566
 Technology Crops, Inc. - Roving Grain Buyer
 License Application
 Bond Changes

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Technology Crops, Inc., Winston Salem, North Carolina.
 Mr. Clark: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-04-497
 Otter Tail Corporation
 Gary Gunderson, Casselton, 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 Gary Gunderson for a residential site near Casselton, North Dakota, Case No. PU-04-497.
 Mr. Clark: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-04-506
 Otter Tail Corporation
 Newman Signs Inc., 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 Newman Signs, Inc. for a sign lighting site near Mapleton, North Dakota, Case No. PU-04-506.
 Mr. Clark: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-04-507
 Otter Tail Corporation
 Harold Namtvedt, Wahpeton, 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 Harold Namtvedt for a trailer home site near Dwight, North Dakota, Case No. PU-04-507.
 Mr. Clark: I second the motion.
 Roll Call: All voting "Aye."

Case No. RC-04-551
 Coteau Properties Company
 Self and Collateral Bonds, Permit NACT-9501
 Approval
 Bond Change

Mr. Cramer: I move the Commission approve the rider that increases the amount of Self-Bond No. SB-9501-1 and approve Collateral Bond No. CB-9501-2 that covers all permits held by the Coteau Properties Company for the Freedom Mine. I further move the approval of the cancellation of Collateral Bond Number CB-9501-1.
 Mr. Clark: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-04-562
USF Use Certification
47CFR54.314(2004)
Compliance

Mr. Clark: I move the Commission adopt the Order regarding Northwest Dakota Cellular of North Dakota Limited Partnership, North Central RSA 2 of North Dakota Limited Partnership, North Dakota RSA No. 3 Limited Partnership, Badlands Cellular of North Dakota Limited Partnership, North Dakota 5 – Kidder Limited Partnership, and Bismarck MSA Limited Partnership's universal service certification for rural eligible telecommunications carriers, Case No. PU-04-562.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-547
Otter Tail Corporation
November 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-547, Otter Tail Corporation's Electric Fuel Cost Adjustment for November 2004.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-557
Montana-Dakota Utilities Co., a
Division of MDU
November 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for November 2004, Case No. PU-04-557.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-563
Northern States Power Company
November 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for November 2004, Case No. PU-04-563.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-284
Bellaire Corporation
Bond Release No. 10, Permit NAIH-8103
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 10 to Surface Coal Mining Permit No. NAIH-8103, held by the Bellaire Corporation for the Indian Head Mine, to release all remaining reclamation liabilities on 205.169 acres of land located in portions of Sections 17, 19, and 20, T144N, R88W, and Section 24, T144N, R89W, Mercer County. The amount of the bond release is \$75,614, and it will become effective December 6, 2004, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-352
Bellaire Corporation
Bond Release No. 5, Permit NAIH-8504
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 5 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 6.06 acres of land located in Sections 14, T144N, R88W, Mercer County. The amount of the bond release is \$11,453, and it will become effective December 6, 2004, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-430
BNI Coal, Ltd
Bond Release No. 12, Permit No. 4
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 12 for Surface Coal Mining Permit No. 4, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 1.8 acres located in a portion of Section 25, T142N, R84W, Oliver County. The amount of the bond release is \$450.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-431
BNI Coal, Ltd
Bond Release No. 9, Permit No. 24
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 9 for Surface Coal Mining Permit No. 24, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 2.89 acres located in a portion of Section 25, T142N, R84W, Oliver County. The amount of the bond release is \$4,335.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2939-03-550
Columbus Phase VI
2004-2007 AML Construction Project
Close Contract

Mr. Cramer: I move the Commission close Contract No. AM-490-04 with Orrin A. Holen Construction, McClusky, North Dakota for construction services at the Columbus Phase VI abandoned mine land site in Burke County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2941-03-552
Snake Road Phase I
2004-2007 AML Construction Project
Close Contract

Mr. Cramer: I move the Commission close Contract No. AM-487-04 with Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota for construction services at the Snake Road abandoned mine land site in Ward County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-154
Snake Road Phase I
Material Testing Services Contract
Close Contract

Mr. Cramer: I move the Commission close out Contract No. AM-485-04 with Geoserv, Inc., Bismarck, North Dakota for material testing services at the Snake Road abandoned mine land site in Ward County.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-567
Office of Surface Mining - Casper
2004 Oversight Report
Annual Report

Mr. Cramer: I move the Commission acknowledge the Office of Surface Mining Reclamation and Enforcement Annual Evaluation Summary Report for the Abandoned Mine Lands Program administered by the State of North Dakota for the Evaluation Year of July 1, 2003, to June 30, 2004.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-509
AML Maintenance
2004 - 2007 Construction Project
Intent to Award Contract

Mr. Cramer: I move the Commission issue an Intent to Award a contract to Quality Construction, Inc. in the amount of \$21,324 for construction services on abandoned mine land sites in western North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

PSC Wireless Conference Approval

Mr. Cramer: I move that the 2005 Wireless Conference to be held in Bismarck, North Dakota on September 20, 2005, be designated a Public Service Commission event.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

PSC/ROC Conference Approval

Mr. Cramer: I move that the 2005 Qwest Regional Oversight Committee meetings to be held in Scottsdale, AZ March 13-14, 2005, and in Bismarck, ND September 18-19, 2005, be designated Public Service Commission events.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

AML Standard Specifications
Approval

Mr. Cramer: I move the Commission modify the "AML Specifications" to exempt contracts of \$50,000 or less from the requirement for performance and payment bonds.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

November 3, 2004

Page 6

ATTEST

THE COMMISSION ADJOURNED AT 10:45 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT