

December 15, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 15, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of December 1, 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:

Thiem Drilling, Inc.	37,832.00
ND Newspaper Association	470.66
Quality Construction, Inc.	24,636.51
David Bickel	12.00
Larry L. Larson	12.00
Bruce A. Johnson	18.00
Patrick Fahn	126.75
Dean K. Moos	36.00
Stephan Schroeder	87.50
Guy Welch	42.00
William Dodd	134.26
Bruce Beechie	310.95
Nirander Safaya	12.00
Mark Knell	94.00
Larry Reisenauer	337.30
Timothy A. Erdmann	676.62
John Robbins	545.91
James R. Deutsch	28.00
Kevin Cramer	129.61
Phyllis G. Richter	531.84
Bill Eide	351.81
Wayne Grangaard	725.13
Leo D. Praus	244.65
Hewlett-Packard Company	120.00
ITD – data processing	1,810.15
Facilities Management – postage	876.47
ITD – micrographics service fee	224.00
ITD – October telecommunications	1,443.60
ITD – November telecommunications	1,385.97
OMB – Central duplicating	81.23
OMB – Central supply	320.09
OMB – Access XP II training	90.00
Elan	8,552.48

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-626  
Trans National Communications  
International, Inc.  
Local Exchange Reseller  
Application

Mr. Cramer: I move the Commission issue a Certificate of Registration to Trans National Communications International, Inc. to resell local exchange telecommunications services in North Dakota, Case No. PU-04-626.

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

Case No. PU-04-535  
Otter Tail Corporation  
Vern Kepler, Wheatland, ND  
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Corrected Order and issue a Corrected Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Vern Kepler for a residential site near Wheatland, North Dakota, Case No. PU-04-535.

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

Case No. PU-04-564  
Otter Tail Corporation  
Milton Snow, 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 Milton Snow for an RV business site near Jamestown, North Dakota, Case No. PU-04-564.

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

Case No. AU-04-643  
Robert V. Marthaller - Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Robert V. Marthaller, Harvey, ND 58341, effective January 1, 2005.

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

Case No. PU-04-141  
North Dakota Telephone Company  
2003  
Annual Report

Mr. Clark: I move the Commission close the Annual Report cases referenced above.

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

Case No. PU-04-182  
Great Plains Natural Gas Co.  
2003  
Annual Report

Case No. PU-04-183  
Montana-Dakota Utilities Co., a  
Division of MDU  
2003 Electric Operations  
Annual Reports

Case No. PU-04-184  
Montana-Dakota Utilities Co., a  
Division of MDU  
2003 Gas Operations  
Annual Report

Cases Continued

Case No. PU-04-199  
Qwest Corporation  
2003  
Annual Report

Case No. PU-04-213  
Otter Tail Corporation  
2003  
Annual Report

Case No. PU-04-215  
Northern States Power Company  
2003 Gas Operations  
Annual Report

Case No. PU-04-216  
Northern States Power Company  
2003 Electric Operations  
Annual Report

Case No. PU-04-565  
Northwest Communications  
Cooperative a Cooperative  
Local Exchange  
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the applications of Northwest Communications Cooperative for a certificate of public convenience and necessity to provide telecommunication services and for designation as an eligible carrier for federal universal service support in the Noonan, North Dakota exchange.

Case No. PU-04-635  
Northwest Communications  
Cooperative a Cooperative  
Designated Eligible Carrier  
Application  
Notice of Opportunity

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

Case No. PU-04-632  
Qwest Corporation  
Performance Indicator Definitions  
Revision  
Notice of Opportunity

Mr. Clark: I move the Commission issue a Notice of Opportunity to File Written Comments and Notice of Opportunity for Hearing in Case No. PU-04-632, Qwest Corporation's Performance Indicator Definitions revisions.

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

Case No. PU-04-606  
Otter Tail Corporation  
December 2004  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-606, Otter Tail Corporation's Electric Fuel Cost Adjustment for December 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-616  
Montana-Dakota Utilities Co., a  
Division of MDU  
December 2004  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for December 2004, Case No. PU-04-616.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-623  
Northern States Power Company  
December 2004  
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for December 2004, Case No. PU-04-623.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-109  
Basin Electric Power Coop Inc.  
Antelope Valley Station Water Pipeline-  
Mercer County.  
Siting Application  
Notice of Filing and Notice of Hearing

Mr. Cramer: I move the Commission deem the application complete and issue a Notice of Filing and Notice of Hearing in the application of Basin Electric Power Cooperative for the Antelope Valley Station Water Pipeline in Mercer County, Case No. PU-04-109.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-578  
Northern States Power Company  
Natural Gas Rate Increase  
Application  
Notices

Mr. Cramer: I move the Commission issue a Notice of Hearing, Notice Of Public Input Sessions, and Notice Of Intervention Deadline in Northern States Power Company's Natural Gas Rate Increase application, Case No. PU-04-578.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2940-03-551  
Belfield Phase I  
2004-2007 AML Construction  
Project  
Close Contract

Mr. Cramer: I move that the Commission close Contract No. AM-491-04 with Shawn Weishaar d/b/a Weishaar Appraisal Services, Lemmon, South Dakota for pre- and post-reclamation appraisals of the Belfield Phase 1 abandoned mine land site in Stark and Billings Counties.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2940-03-551  
Belfield Phase I  
2004-2007 AML Construction  
Project  
Waive Liens

Mr. Cramer: I move the Commission waive liens on properties at Belfield Phase 1 because the cost of filing the liens, including indirect costs, exceeds the increase in the fair market value of the land as the result of reclamation activities on these properties.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-509  
AML Maintenance  
2004 - 2007 Construction  
Project  
Close Contract

Mr. Cramer: I move the Commission close-out Contract AM-495-04 with Quality Construction, Inc., Sawyer, North Dakota for construction services on abandoned mine land sites in western North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Abandoned Mine Lands  
2005 Deposit  
State Set-aside Contribution  
Forego Deposit

Mr. Cramer: I move the Commission forgo the 2005 deposit into the state abandoned mine reclamation fund set-aside trust account.

Mr. Clark: I second the motion.

Roll Call Mr. Clark "Aye."

Mr. Cramer "Aye."

Mrs. Wefald "Nay"

Case No. AM-04-597  
Leith Phase 1  
2005 AML Construction Project  
Rescind Procurement

Mr. Cramer: I recommend the Commission rescind procurement of abstract services from Grant County Abstract Company, 222 North Main, P.O. Box 228, Carson, North Dakota for title memoranda showing the current legal and equitable ownership interest, and date and manner ownership interest was acquired for Leith Phase 1 in Grant County using sole-source procurement methods.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Submittal of Prefiled Bills

Mr. Cramer: I move the Commission acknowledge the December 9<sup>th</sup> submittal of the following additional prefiled bill drafts to the Legislative Council for the Fifty-ninth Legislative Assembly of North Dakota:

Public Utilities: Create a new section to chapter 49-03.1 relating to the registration of telecommunications companies that are not incumbent telecommunication companies, provide a penalty and provide for cease and desist orders; and amend subsection 2 of section 49-03.1-02 relating to the definition of a public utility and certificates of public convenience and necessity.

Submittal of Prefiled Bills Continued

Public Utilities: Amend section 49-05-02 relating to unreasonable charges and refunds by a utility company.

Licensing: Amend sections 60-10-06 and 60-10-08 relating to the reimbursement limit and order of payment from the credit-sale contract indemnity fund.

Reclamation: Create a new chapter to title 38 relating to the interstate mining compact.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:10 P.M.

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Executive Secretary

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TONY T. CLARK, PRESIDENT