

August 4, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 4, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of July 21, 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:

Regional Oversight Committee	260.00
Gackle Grain Coop	379.81
Spherion	878.40
ND Newspaper Association	697.88
Thompson Hine LLP	25,374.17
Geoserv, Inc.	4,176.00
Thiem Drilling, Inc.	121,108.62
Hlebechuk Construction, Inc.	14,331.01
Leo D. Praus	118.46
Illona A. Jeffcoat-Sacco	106.20
Bruce A. Johnson	61.09
William E. Dodd	82.00
Bruce Beechie	158.49
Larry Reisenauer	76.00
Timothy A. Erdmann	450.85
Guy Welch	12.00
Mark Knell	101.45
Bill Eide	798.61
James R. Deutsch	22.00
Richard Fillbrandt	290.68
Kevin Cramer	30.00
Kevin Hanson	273.80
David Bickel	12.00
Stephan A. Schroeder	689.24
Alan Moch	206.94
Susan E. Wefald	528.36
Anthony T. Clark	246.00
JP Robbins	674.62
Phyllis G. Richter	690.79
Central Services—printing	135.15
Industrial Commission	1,037.88
Secretary of State	250.00
ITD—6/04 phone chgs	1,365.34
Central Services—supplies	379.07
Insurance Department	696.43

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-385
eMeritus Communications, Inc.
Name Change
Application

Mr. Cramer: I move the Commission reissue Certificate of Registration Nos. 223, 386 and 387 to VarTec Solutions, Inc., Case No. PU-04-385.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-292
Montana-Dakota Utilities Co., a
Division of MDU
Lyle Schuchard, Lake Isabelle,
Dawson, 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 Lyle Schuchard for a garage site near Dawson, North Dakota, Case No. PU-04-292.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-04-387
Levi Tibke - Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Levi Tibke, Carson, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-96-149
Universal Services
PSC Comments/Letters

Mr. Clark: I move the Commission issue a Notice of Intent to Amend Order and Request for Comments in Case No. PU-439-96-149, Public Service Commission Universal Service.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-302
Qwest Corporation
Performance Indicator Definitions
Revision

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-04-302, Qwest Corporation's Performance Indicator Definitions, and Case No. PU-04-303, Qwest Corporation's Performance Assurance Plan.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-303
Qwest Corporation
Performance Assurance Plan
Approval
Notice of Opportunity

Case No. GE-04-388
ConAgra Foods, Inc.
Facility-Based Grain Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-388 granting the request of ConAgra Foods, Inc. doing business as KBC Trading & Processing Company, Omaha, Nebraska, to discontinue business as a facility-based grain buyer at Reynolds and Hoople, North Dakota, effective August 1, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-389
JM Grain - Roving Grain Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-389 granting the request of Justin and Marvin Flaten doing business as JM Grain, Garrison, North Dakota, to discontinue business effective August 1, 2004, as a North Dakota roving grain buyer.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-390
Agricore Cooperative Ltd. - Roving
Grain Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-390 granting the request of Agricore Cooperative Ltd., Winnipeg, Manitoba, to discontinue business effective August 1, 2004, as a North Dakota roving grain buyer.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-392
Mott Equity Exchange Elevator
License No. 368 - Mott, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-392 granting the request of Mott Equity Exchange to discontinue business at Mott, North Dakota, effective August 1, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-393
BTR Farmers Co-op
License No. 868 - Churchs Ferry, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-393 granting the request of BTR Farmers Co-op to discontinue business at Churchs Ferry, North Dakota, effective August 1, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-394
Walhalla Bean Company
Grain Warehouse - Merrifield, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-394 granting the request of Walhalla Bean Company to operate a 124,000-bushel bean warehouse at Merrifield, North Dakota, effective August 1, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-396
Arnegard Elevator, LLP
License No. 1052 - Arnegard, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-396 granting the request of Arnegard Elevator, LLP to discontinue business at Arnegard, North Dakota, effective August 1, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-404
Brush Creek Organic Foods, LLC -
Roving Grain Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-404 acknowledging the automatic discontinuance of business effective August 1, 2004, of Brush Creek Organic Foods, LLC, Beulah, North Dakota, for failing to file the required roving grain buyer license renewal in a timely manner.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-405
ADM Edible Bean Specialties, Inc.
License No. 934 - Grand Rapids, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-04-405 granting the request of ADM Edible Bean Specialties, Inc. to discontinue business at Grand Rapids, North Dakota, effective August 1, 2004.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

Mrs. Wefald: I move the Commission acknowledge the rate increase allowed Northern States Power Company under Performance Based Regulation?

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-345
Otter Tail Corporation
August 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-345, Otter Tail Corporation's Electric Fuel Cost Adjustment for August 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-379
Montana-Dakota Utilities Co., a
Division of MDU
August 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for August 2004, Case No. PU-04-379.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-386
Northern States Power Company
August 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for August 2004, Case No. PU-04-386.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-233
Bellaire Corporation
Bond Release No. 8, Permit NAIH-8201
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 8 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 90.172 acres of land located in portions of Sections 17 and 20, T144N, R88W, Mercer County. The amount of the bond release is \$18,037 and it will become effective September 7, 2004, unless a formal hearing is requested.

Mr. Cramer: 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 the Commission close Contract No. AM-489-04 with Hlebechuk Construction, Inc. Belfield, North Dakota for construction services at the Belfield 1 abandoned mine land site in Billings and Stark Counties.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2342-01-296
Qwest Corporation
Interconnection/Wholesale Price
Investigation
Valuation Billing

Mr. Cramer: I move the Commission bill Qwest Corporation, US Link, Inc., VAL-ED Joint Venture, LLP d/b/a 702 Communications, McLeodUSA Telecommunications, Inc. and IdeaOne Telecommunications, Inc. for costs incurred to date in Case No. PU-2342-01-296, Qwest Corporation, Interconnection/Wholesale Price, Investigation.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Revise State Purchasing Card Policy

Mr. Cramer: I move the Commission revise Policy 2-04-00 (2) to reflect use of the state purchasing cards to make purchases involving \$2,500 or less to reflect recent directives from the Office of Management and Budget.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Staff Appointment

Mr. Cramer: I move the Commission appoint Sue Richter Director of the Licensing Division and authorize a salary adjustment to reflect the appointment.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Lab Compliance Schedule

Mr. Cramer: I move the Commission approve the schedule and proposed purchases and approximate costs of the mitigative actions planned as outlined in the attached document entitled, "NIST State Weights and Measures Laboratories Program Handbook #143 - List of Non-Compliance Issues".

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:30 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT