

October 8, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 8, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of September 22, 28, and 30, 2004, be approved.

Mrs. Wefald: 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:

Presort Plus	4.12
Thiem Drilling, Inc.	12,357.80
Orrin A. Holen Construction, Inc.	61,466.85
Spherion	1,668.96
FedEx	13.62
ASAP Software	6,372.91
JP Robbins	696.10
Phyllis G. Richter	483.00
Wayne Grangaard	691.32
Leo D. Praus	70.40
Bill Eide	129.54
Kevin Hanson	444.98
David Bickel	331.50
Bruce A. Johnson	252.20
Stephan Schroeder	93.50
Guy Welch	36.00
Richard Fillbrandt	144.10
Timothy A. Erdmann	96.00
Larry Reisenauer	582.65
Kathy Fortney	216.82
Paul Klebe	207.52
Susan E. Wefald	363.32
Alan Moch	214.05
Larry L. Larson	12.00
Dean K. Moos	24.00
Bruce Beechie	1,030.59
William E. Dodd	154.05
Mark Knell	335.75
James R. Deutsch	12.00
Jerry Lein	135.10
Lori Anderson	207.52
ND Newspaper Association	476.00
Thompson Hine LLP	4,074.42
Nirander M. Safaya	6.00
Hewlett-Packard Company	1,068.00
Steven Kahl	350.50
GeoServ, Inc.	3,657.00

Bills Continued

Leo D. Praus	398.40
Bill Eide	503.20
Facilities Management – ups charges	23.10
Office of Administrative Hearing	236.44
Facilities Management – postage	717.90
ITD – phone charges	1,620.92
ND Geological Survey	969.12
Mrs. Wefald: I second the motion.	
Roll Call: All voting "Aye."	

Case No. GS-04-42
Gas Pipeline Safety
Rulemaking

Mr. Cramer: I move the Commission propose the following amendments to the North Dakota Administrative Code, schedule a hearing at 10 a.m., CST, November 30, 2004, issue a Notice of Proposed Rules and Public Hearing, and issue an abbreviated Notice of Hearing for publication in each official county newspaper throughout the state as required by law.
Article 69-09 Amendments to Gas Safety
Article 69-10 Amendments to Weights and Measures
Mrs. Wefald: I second the motion.
Roll Call: All voting "Aye."

Case No. WM-04-334
Weights and Measures
Rulemaking
Notice of Hearing

Case No. GE-04-510
Walker Seeds, Ltd. - Roving Grain
Buyer
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Walker Seeds, Ltd., Tisdale, Saskatchewan, effective October 4, 2004.
Mrs. Wefald: 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 W. Chelsea Chen, a non-resident attorney, be given permission to practice before the Commission on behalf of Illuminet, Inc., in Case No. PU-2829-03-83.
Mrs. Wefald: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-04-420
Otter Tail Corporation
Dwight Fraedrich, Enderlin, 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 Dwight Fraedrich for a shop site near Enderlin, North Dakota, Case No. PU-04-420.
Mrs. Wefald: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-04-451
Montana-Dakota Utilities Co., a
Division of MDU Re
Robert Andre, Hanks, 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 Robert Andre for a water well site near Hanks, North Dakota, Case No. PU-04-451.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-456
Montana-Dakota Utilities Co., a
Division of MDU Re
West River Telecommunications,
Hazen, 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 West River Telecommunications for a boosting station site near Judson, North Dakota, Case No. PU-04-456.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-457
Montana-Dakota Utilities Co., a
Division of MDU Re
Dale Monzelowsky, Mandan, 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 Dale Monzelowsky for a residential site near Mandan, North Dakota, Case No. PU-04-457.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2342-01-296
Qwest Corporation
Interconnection/Wholesale Price
Investigation
Approve Settlement

Mr. Clark: I move the Commission adopt the Order Approving Settlement Agreement in Qwest Corporation's Interconnection/Wholesale Price Investigation, Case No. PU-2342-01-296.

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

Case No. PU-04-303
Qwest Corporation
Performance Assurance Plan
Revision

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-494
Qwest Corporation
Statement of Generally Available
Terms-Exhibit A
Revision

Mr. Clark: I move the Commission acknowledge Qwest Corporation's filing in Case No. PU-04-494 of a Third Amended September 17, 2004 Exhibit A to the North Dakota Statement of Generally Available Terms and Conditions - Sixth Revision to clarify terminology and format to take effect 60 days after the date the filing was submitted to the Commission.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-500
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-04-500, Qwest Corporation's Performance Indicator Definitions revisions.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-511
Neché Elevator, LLC
Grain Warehouse - Neche, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-511 granting the request of Neche Elevator, LLC, to operate a 250,000-bushel grain warehouse at Neche, North Dakota, effective October 4, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-512
Anderson Seed Co., Inc.
Grain Warehouse - Selz, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-512 granting the request of Anderson Seed Co., Inc., Mentor, Minnesota, to operate a 344,000-bushel grain warehouse at Selz, North Dakota, effective October 4, 2003.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-513
Midwest Marketing, Inc.
Ex Parte Cease & Desist
Notice of Opportunity

Mr. Clark: I move the Commission issue a Cease and Desist Order and a corresponding Notice of Opportunity for Hearing in Case No. GE-04-513, Public Service Commission, Midwest Marketing, Inc., Ex Parte Cease & Desist.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-514
vs. Midwest Marketing, Inc.
Complaint

Mr. Clark: I move the Commission find the Complaint in Case No. GE-04-514, Public Service Commission, Complainant, vs. Midwest Marketing, Inc., Respondent, states a *prima facie* case and serve it on the respondent.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-515
Rayglan Commodities, Inc.
Ex Parte Cease & Desist
Notice of Opportunity

Mr. Clark: I move the Commission issue a Cease and Desist Order and a corresponding Notice of Opportunity for Hearing in Case No. GE-04-515, Public Service Commission, Rayglan Commodities, Inc., Ex Parte Cease & Desist.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-516
vs. Rayglan Commodities, Inc.
Complaint
Fine

Mr. Clark: I move the Commission find the Complaint in Case No. GE-04-516, Public Service Commission, Complainant, vs. Rayglan Commodities, Inc., Respondent, states a *prima facie* case and serve it on the respondent. Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-402
MCI metro Access Transmission
Services LLC
Qwest Corporation
Service Agreement(s)
Notice of Opportunity

Mr. Clark: I move the Commission acknowledge the issuance of a Notice of Opportunity for Hearing in the captioned application for approval of a master services agreement.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-475
Otter Tail Corporation
October 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Case No. PU-04-475, Otter Tail Corporation's Electric Fuel Cost Adjustment for October 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-489
Montana-Dakota Utilities Co., a
Division of MDU Re
October 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Montana-Dakota Utilities Co.'s fuel cost adjustment for October 2004, Case No. PU-04-489.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-505
Northern States Power Company
October 2004
Fuel Cost Adjustment

Mrs. Wefald: I move the Commission approve Northern States Power Company's fuel cost adjustment for October 2004, Case No. PU-04-505.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-307
BNI Coal, Ltd
Bond Release No. 1, Permit BNCR-9702
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 1 for Surface Coal Mining Permit No. BNCR-9702, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 67.95 acres located in a portion of Section 3, T141N, R84W, Oliver County. There is no monetary bond reduction associated with this release and it will become effective November 8, 2004, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-473
Montana-Dakota Utilities Co., a
Division of MDU
October 2004
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for October 2004, Case No. PU-04-473.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-04-470
2005 Federal/State Gas Pipeline
Safety
Grant Application

Mr. Cramer: I move the Commission submit the 2005 Federal/State Gas Pipeline Safety Grant Application to the U.S. Department of Transportation, Office of Pipeline Safety, Washington, D.C. for the operation and management of the 2005 North Dakota intrastate gas pipeline safety program.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2938-03-549
Garrison Phase III
2004-2007 AML Construction
Project
Modify

Mr. Cramer: I move the Commission modify Contract Number AM-486-04 to extend the performance period to November 30, 2004, for construction services at the Garrison Phase III abandoned mine land site in McLean County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-156
Garrison Phase III
Material Testing Services
Contract
Modify

Mr. Cramer: I move the Commission modify Contract Number AM-484-04 to change the performance period to May 1, 2004, to November 30, 2004, for material testing services at the Garrison Phase III abandoned mine land site in McLean County.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-508
AML Coal Fire Suppression
Construction Services
Project

Mr. Cramer: I move the Commission authorize procurement of construction services to eliminate coal outcrop fires using competitive sealed bidding procedures with solicitation by mail to qualified bidders.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission authorize procurement of construction services for maintenance using competitive sealed bidding procedures with solicitation by mail to qualified bidders for abandoned mine sites in western North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

State Reclamation Award
2004 Award

Mr. Clark: I move the Commission present the Falkirk Mining Company the 2004 State Reclamation Award for its electronic permitting initiative.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye"

Public Service Commission
Policy Revisions

Mrs. Wefald: I move the Commission approve the changes to PSC Policy 1-03-85, Equal Employment Opportunity and Nondiscrimination Policy; PSC Policy 1-18-89, Substance Abuse; PSC Policy 3-03-89, Grievance Policy and Procedure; and PSC Policy 3-15-03, Sexual/Unlawful Harassment.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye"

ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT