

March 22, 2006

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 22, 2006, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of March 7 and 13, 2006, 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:

Finley Engineering Company, Inc.	21.00
ND Surplus Property	30.00
ND Newspaper Association	719.01
BNC Insurance	50.00
Thompson Hine LLP	8,936.49
Jerry Lein	115.20
NDSU Rail Rate Case	376.01
Wayne Grangaard	416.57
ITD – 2/06 DP fee	3,219.09
OMB – 2/06 postage	639.00
ITD – 2/06 ph chg	1,288.90
DOT – 2/06 motor pool	7,710.99

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-45
Level 3 Communications, LLC
Interconnection Arbitration
Application
Attorney Approval

Mr. Cramer: I move the Commission permit attorney Richard E. Thayer to appear before the Commission pursuant to N.D. Admin. Code § 69-02-01-06 and North Dakota Supreme Court Rule 3 for the limited purpose of representing Level 3 Communications, LLC in Case No. PU-06-45; Level 3 Communications, LLC, Interconnection Arbitration Application.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-06-89
Kevin R. Tink
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Kevin R. Tink, Lincoln, Nebraska.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-06-90
Jason E. LeBlanc
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Jason E. LeBlanc, Lincoln, Nebraska.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-06-94
Trent Amundsen
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Trent Amundsen, Fargo, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-06-95
Chad A. Mack
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Chad A. Mack, Jamestown, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-06-96
Chad A. Mack
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Chad A. Mack, Jamestown, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-06-101
Greg Krance
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Greg Krance, South Heart, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-165
DIECA Communications, Inc.
Interconnection Arbitration
Application
Notice of Opportunity to File Comments

Mr. Cramer: I move the Commission acknowledge the March 20, 2006, issuance of a Notice of Opportunity to File Comments on DIECA Communications, Inc.'s Interconnection Agreement with Qwest Corporation in Case No. PU-05-165.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-439-03-271
Rail Rates on Grain
Investigation
Amended Contract

Mr. Cramer: I move that the Commission enter into an Amended Personal Service Contract No. RR-514-05 with Upper Great Plains Transportation Institute, to extend the end date of the contract from March 31, 2006, to June 30, 2006; PSC Case No. RR-439-03-271. The contract is for work associated with the rail rate investigation authorized by the 2005 Legislature.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-439-03-271
Rail Rates on Grain
Investigation
Amended Contract

Mr. Cramer: I move that the Commission enter into an Amended Personal Service Contract No. RR-508-05 with Thompson Hine LLP and McCarthy, Sweeney & Harkaway, P.C., to extend the end date of the contract from March 31, 2006, to June 30, 2006; PSC Case No. RR-439-03-271. The contract is for work associated with the rail rate investigation authorized by the 2005 Legislature.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-237
Montana-Dakota Utilities Co., a
Division of MDU
2004 Gas Operations
Annual Report
Close Case

Mr. Cramer: I move the Commission close Montana-Dakota Utilities Co.'s 2004 Gas Operations Annual Report, Case No. PU-05-237.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-05-341
Gas Pipeline Safety
Rulemaking
Attorney General Opinion

Mr. Cramer: I move the Commission adopt the Order in Case No. GS-05-341 submitting the rules to the Attorney General for an opinion as to legality and whether they conflict with any other state law or rule.

Article 69-09, Amendments to Gas Safety

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-653
North Dakota Network Co.
Designated Eligible Carrier
Application

Mr. Clark: I move the Commission adopt the Order in North Dakota Network Co.'s application for designation as an eligible telecommunications carrier for receiving federal universal service support in North Dakota, Case No. PU-05-653.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-06-98
Legume Matrix, LLC
Grain Warehouse - Jamestown, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-06-98 granting the request of Legume Matrix, LLC to operate an 18,500-bushel grain warehouse at Jamestown, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-06-99
ConAgra Foods, Inc.
Facility-Based Grain Buyer - Omaha, NE
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-06-99 granting the request of ConAgra Foods, Inc. to discontinue business as a facility-based grain at Mayville, Cavalier, Hatton, and Oakes, North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-06-100
Kelly Bean Co., Inc.
Facility-Based Grain Buyer -
Scottsbluff, NE
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-06-100 granting the request of Kelley Bean Co., Inc., Scottsbluff, Nebraska, to operate as a facility-based grain buyer at Cavalier, Hatton, Mayville, and Oakes, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-88
Northern States Power Co./Verendrye
Electric Corp.
Transfer Service Agreement
Approval
Notice of Filing and Notice of
Opportunity for Hearing

Mrs. Wefald: I move the Commission issue a Notice of Filing and Notice of Opportunity for Hearing in Northern States Power Company/Verendrye Electric Cooperative's Transfer Service Agreement approval, Case No. PU-06-88.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-92
Montana-Dakota Utilities Co., a
Division of MDU
April 2006
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 2006, Case No. PU-06-92.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-93
Montana-Dakota Utilities Co., a
Division of MDU
April 2006
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for April 2006, Case No. PU-06-93.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-615
Falkirk Mining Company
Revision 13, Permit NAFK-9503
Approval

Mr. Cramer: I move the Commission approve Revision No. 13 to Surface Coal Mining Permit NAFK-9503, held by the Falkirk Mining Company, to identify the next five-year coal removal subarea and to update other information and mining and reclamation plans for the next permit term.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-616
Falkirk Mining Company
Renewal 2, Permit NAFK-9503
Approval

Mr. Cramer: I move the Commission approve Renewal No. 2 to Surface Coal Mining Permit No. NAFK-9503, held by the Falkirk Mining Company, to extend the permit term another five years, until April 17, 2011.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-638
Coteau Properties Company
Revision 19, Permit NACT-9001
Approval

Mr. Cramer: I move the Commission approve Revision No. 19 to Surface Coal Mining Permit No. NACT-9001, held by the Coteau Properties Company for the Freedom Mine, to update mining and reclamation plans and other information for the next five-year permit term.

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

Case No. RC-05-639
Coteau Properties Company
Renewal 3, Permit NACT 9001
Approval

Mr. Cramer: I move the Commission approve Renewal No. 3 to Surface Coal Mining Permit No. NACT-9001, held by the Coteau Properties Company, to extend the permit term for another five years, until April 16, 2011.

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

Case No. RC-05-642
Falkirk Mining Company
Revision 21, Permit NAFK-8405
Approval

Mr. Cramer: I move the Commission approve Revision No. 21 to Surface Coal Mining Permit No. NAFK-8405, held by the Falkirk Mining Company, to update mining and reclamation plans for the next five-year permit term.

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

Case No. RC-05-643
Falkirk Mining Company
Renewal 4, Permit NAFK-8405
Approval

Mr. Cramer: I move the Commission approve Renewal No. 4 to Surface Coal Mining Permit No. NAFK-8405, held by the Falkirk Mining Company, to extend the permit term for another five years, until April 15, 2011.

Mrs. Wefald: I second the motion.
Roll Call: All voting "Aye."

Case No. RC-05-654
Coteau Properties Company
Revision 25, Permit NACT-9501
Approval

Mr. Cramer: I move the Commission approve Revision No. 25 to Surface Coal Mining Permit No. NACT-9501, held by the Coteau Properties Company for the Freedom Mine, to identify the next five-year coal removal subarea, and to update mining and reclamation plans and other information for the next permit term.

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

Case No. RC-05-655
Coteau Properties Company
Renewal 2, Permit NACT-9501
Approval

Mr. Cramer: I move the Commission approve Renewal No. 2 to Surface Coal Mining Permit No. NACT-9501, held by the Coteau Properties Company for the Freedom Mine, to extend the permit term for another five years, until April 15, 2011.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Cramer: I move the Commission authorize a combination workload increase, reclassification and merit salary adjustment for Position No. 5022 in the Reclamation Division effective March 1, 2006.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Hiring Construction Inspector

Mrs. Wefald: 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 April 1, 2006, to November 30, 2006, at a salary of \$14.50 per hour plus time and a half for hours in excess of 40 hours per week.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Metrology/Weights and Measures
Six-Year Strategic Plan
Approval

Mrs. Wefald: I move that the Commission approve the Metrology/Weights and Measures Program 6-year Strategic Plan including the action steps suggested by OMB in their Feb. 21, 2006, Memo.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:15 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT