

August 23, 2006

The Public Service Commission convened in Conference Room D (Room 302), 3rd Floor, Judicial Wing, State Capitol, Bismarck on August 23, 2006, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of August 9, 2006, 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:

The Ag Foundation	15.00
Fetzer Brothers Excavating	350.00
ND Newspaper Association	2,499.25
Alltel	285.42
Charlene Magstadt	39.37
Annette Bendish	200.00
Quality Construction, Inc.	56,365.60
Thiem Drilling, Inc.	31,120.00
Quality Construction, Inc.	57,571.84
GeoServ, Inc.	2,931.25
Susan Richter	674.53
Peacock Alley	48.00
ITD – 7/06 ph chgs	1,285.49
ITD – 7/06 microfilming	487.00
ITD – 7/06 DP fees	2,746.64
DOT	14,065.85
Elan	4,168.54

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-06-353
Ronald B. Braaten
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Ronald B. Braaten, Lisbon, North Dakota.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-352
Royal Oak Enterprises, Incorporated
Var. to Rev. Liability Period, Permit
ROJK-8701
Approval

Mr. Cramer: I move the Commission approve a variance to the ten year performance bond liability period for 12.15 acres of reclaimed land in Section 3, T140N, R96W, in Surface Coal Mining Permit No. ROJK-8701 held by the Royal Oak Enterprises, Inc. for the JK Ranch Mine.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification/Recertification Approval

Mr. Cramer: I move the Commission approve the blaster certification/recertification of the following applicants:

<u>No. Applicant</u>	<u>Affiliation</u>	<u>Certificate No.</u>
<u>Certification</u>		
1.	Brian D. Fink Nelson Bros. Mining Svcs.	06-08-284
2.	Douglas J. Schell Freedom Mine	06-08-285
<u>Recertification</u>		
1.	Richard Reule Freedom Mine	85-12-087-R(7)
2.	John M. Butman Freedom Mine	94-11-218-R(4)
3.	Daryl P. Metzger Freedom Mine	94-11-220-R(4)

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

Case No. PU-05-449
Midcontinent Communications/Dakota Central Tele I
Rural Exemption
Complaint

Mr. Clark: I move the Commission adopt the Order of Dismissal in Case No. PU-05-449, Midcontinent Communications/Dakota Central Telecom I, Inc., Rural Exemption Complaint.

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

Case No. GE-06-360
Trinidad Benham Corp.
Grain Warehouse - Courtenay, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-06-360 granting the request of Trinidad Benham Corp. to operate a 13,333-bushel grain warehouse at Courtenay, North Dakota, effective immediately.

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

Case No. GE-06-361
Falkirk Merchandising, LLC
Roving Grain Buyer - Bismarck, ND
License Application

Mr. Clark: I move the Commission approve the roving grain license application for Falkirk Merchandising, LLC, Bismarck, North Dakota, effective August 15, 2006.

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

Case No. PU-06-278
Capital Electric Cooperative Inc. vs. Montana-Dakota Utilities Co/Promontory Point III
Complaint

Mrs. Wefald: I move the Commission adopt the Order dismissing the Motion for Temporary Stay in Case No. PU-06-278.

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

Case No. PU-06-312
FPL Energy Oliver County Wind, LLC
230kV Transmission Line - Oliver
County
Siting Application

Mrs. Wefald: I move the Commission adopt the Order issuing a corridor certificate and route permit authorizing construction of FPL Energy Oliver County Wind, LLC's proposed 230 kV Transmission Line and associated facilities in Oliver County, North Dakota, Case No. PU-06-312.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Mrs. Wefald: I move the Commission close out Contract No. AM-513-05 with the Grant County Soil Conservation District for tree and shrub planting services at the Leith Abandoned Mine Land (AML) site in Grant County.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-278
Capital Electric Cooperative Inc. vs.
Montana-Dakota Utilities
Co./Promontory Point III
Complaint

Mrs. Wefald: I move the Commission issue a Notice of Hearing in Capital Electric Cooperative, Inc. vs. Montana-Dakota Utilities Co./Promontory Point III Case No. PU-06-278.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-317
Enbridge Pipelines (North Dakota) LLC
Crude Oil Pump. Stations-McKenzie-
Wms-Mntrail Ctys
Siting Application

Mr. Cramer: I move the Commission adopt the Order and issue corridor certificates and route permits in Enbridge Pipelines (North Dakota) LLC's application to upgrade four pumping stations on its existing crude oil pipeline in McKenzie, Williams and Mountrail Counties, Case No. PU-06-317.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-354
Montana-Dakota Utilities Co., a
Division of MDU
September 2006
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for September 2006, Case No. PU-06-354.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-355
Montana-Dakota Utilities Co., a
Division of MDU
September 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 September 2006, Case No. PU-06-355.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-178
Coteau Properties Company
Revision 48, Permit NACT-8102
Approval

Mr. Cramer: I move the Commission approve Revision No. 48 to Surface Coal Mining Permit No. NACT-8102, held by the Coteau Properties Company for the Freedom Mine, to add plans for a new truck dump and associated coal stockpile and sedimentation pond and to update other information and mining and reclamation plans for the next five-year permit term.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-179
Coteau Properties Company
Renewal 5, Permit NACT-8102
Approval

Mr. Cramer: I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. NACT-8102, held by the Coteau Properties Company, to extend the permit term for another five years, until August 31, 2011.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Offer of Employment

Mrs. Wefald: I move that the Commission's minutes reflect that an offer of employment was extended to William Kalanek to serve as the Commission's Consumer Affairs and Public Outreach Specialist starting September 4, 2006, and that Mr. Kalanek has accepted the offer.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

AML Division Interim Director

Mrs. Wefald: I move the Commission appoint Bill Dodd as Interim Director of the AML Division effective August 18, 2006, until a final decision is made concerning the position.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Recognition of Former
OSM Employees

Mr. Cramer: I move the Commission adopt resolutions recognizing former OSM employees Linda Wagner and Joe Galetovic for their outstanding work in promoting technological innovation in North Dakota's coal regulatory program.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-06-347
Public Service Commission
STB Simplified Standards – NOPR
Misc. Case

Mr. Clark: I move the Commission issue a Notice of Intent to Participate in STB Small Rate Case Rulemaking.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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THE COMMISSION ADJOURNED AT 11:30 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT