

April 19, 2007

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 19, 2007, 10:00 a.m. Present were Commissioners Wefald, Cramer, and Clark.

Minutes

Mr. Cramer: I move the minutes of April 4, 2007, 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:

ND Dept. of Health – Division of Chemistry	187.00
FedEx	13.78
National Conference of Regulatory Attorneys	300.00
ND Newspaper Associations	1,179.03
Radey Thomas Yon Clark	10,700.00
Snavely King Majoros O'Connor & Lee, Inc.	540.00
Hanson's Excavating, Inc.	4,759.50
Alltel	255.51
Gloria Geiger	642.68
Indiana Utility Regulatory Commission	200.00
OMB – 2/07 postage	272.24
OMB – 3/07 postage	801.19
OMB – 3/07 central duplicating	19.98
ITD – 3/07 microfilm	406.10
DOT – 3/07	15,278.43
ITD – 3/07 dp	3,144.30
ITD – 3/07 phone	2,201.51
ND Geological Survey	865.00

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-26  
FPL Energy, LLC  
Wind Farm - Cavalier County  
Siting Application

Mr. Cramer: I move the Commission acknowledge its April 10, 2007 issuance of an Amended Notice of Filing and Notice of Hearing in Langdon Wind, LLC's application for a certificate of site compatibility to construct a proposed 160 MW wind farm in Cavalier County, Case No. PU-07-26.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-131  
Otter Tail Corporation  
Cost of Energy Adjustment Clause  
Tariff

Mr. Cramer: I move the Commission permit attorney Michael J. Bradley to appear before the Commission pursuant to N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 for the limited purpose of representing Otter Tail Corporation d/b/a Otter Tail Power Company in Case No. PU-05-131, Otter Tail Corporation's Cost of Fuel Adjustment Clause Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-3  
Otter Tail Corporation  
Large Commercial Time of Day  
Tariff

Mr. Cramer: I move the Commission permit attorney Michael J. Bradley to appear before the Commission pursuant to N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 for the limited purpose of representing Otter Tail Corporation d/b/a Otter Tail Power Company in Case No. PU-07-3, Otter Tail Corporation's Large Commercial Time of Day tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-481  
Otter Tail Corporation  
Advance Determination of Prudence  
Application

Mr. Cramer: I move the Commission permit attorney Carrie La Seur to appear before the Commission pursuant to N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 for the limited purpose of representing Dakota Resource Council and Mark Trechock, Intervenors in the Advance Determination of Prudence Applications of Otter Tail Corporation and Montana Dakota Utilities Co., Case Nos. PU-06-481 and PU-06-482.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-07-81  
Basin Cooperative Services  
Variance Request - Permit BCGH-8204  
Approval

Mr. Cramer: I move the Commission approve Basin Cooperative Services' request for a variance to the ten-year revegetation responsibility period for 15.8 acres of reclaimed land in Surface Coal Mining Permit No. BCGH-8204 at the Glenharold Mine.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-07-136  
Willard L. Westad dba Westad Auction  
& Appraisal  
Auction Clerk  
Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Willard L. Westad doing business as Westad Auction & Appraisal, Maddock, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-07-137  
Derek Randy Ostby  
Auction Clerk  
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Derek Randy Ostby, New Effington, South Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-07-138  
Perry L. Larson  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Perry L. Larson, Lewiston, Minnesota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-07-139  
Gary T. Adam  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Gary T. Adam, Minot, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-07-140  
Jeffery A. Greig  
Auctioneer License  
Revocation

Mr. Cramer: I move the Commission issue an order in Case No. AU-07-91 revoking auctioneer license number 681 issued to Jeffery A. Greig of Rugby, North Dakota, as of April 7, 2007, for failing to maintain an adequate bond filing

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-3  
Otter Tail Corporation  
Large Commercial Time of Day  
Tariff

Mrs. Wefald: I move the Commission adopt the Order granting intervention to the ND OTP Large Industrial Users Group and issue a Notice of Hearing in Case No. PU-07-3, Otter Tail Corporation's Large Commercial Time of Day tariff schedule

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-06-271  
AML Coal Fire Suppression  
2006 Grant  
Application

Mrs. Wefald: I move the Commission close-out Contract No. AM-537-07 with Hanson Excavating Inc. for completion of construction services to extinguish coal outcrop fires in Slope and McKenzie Counties.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-07-72  
Williams County Road 9  
2007 Phase 2 Construction  
Project

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc. in the amount of \$639,150 for construction services at the Williams County Road 9 Phase 2 AML site.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-07-72  
Williams County Road 9  
2007 Phase 2 Construction  
Project

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Material Testing Services, LLC in the amount of \$26,650 for material testing at the Williams County Road 9 Phase 2 AML site.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-07-73  
Columbus  
2007 Phase 8 Construction  
Project

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Geray Dozing and Excavating in the amount of \$249,990 for construction services at the Columbus Phase 8 AML site.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-128  
Great Plains Natural Gas Co.  
April 2007  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas Adjustment for April 2007, Case No. PU-07-128.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-133  
Montana-Dakota Utilities Co., a  
Division of MDU  
May 2007  
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for May 2007, Case No. PU-07-133.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-134  
Montana-Dakota Utilities Co., a  
Division of MDU  
May 2007  
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 May 2007, Case No. PU-07-134.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-07-130  
2008 Administrative and Enforcement  
Grant  
Application

Mr. Cramer: I move the Commission submit the 2008 Administration and Enforcement Grant Application to the Office of Surface Mining for funding the coal mining regulatory program from July 1, 2007, to June 30, 2008.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-07-135  
D & P Terminal, Inc.  
Grain Warehouse - Fargo, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-07-135 granting the request of D & P Terminal, Inc. to operate a 260,000-bushel grain warehouse at Fargo, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:40 A.M.

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Executive Director

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SUSAN E. WEFALD, PRESIDENT