

January 14, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 14, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark, and Kalk.

Reorganization of Commission
Nomination of President

Mr. Clark: I move that Commissioner Cramer serve as President of the Public Service Commission for the next two years.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Reassignment of Portfolios

Mr. Cramer: I move that Commission portfolios for the next two years be allocated as follows:

Commissioner Cramer – Administration, IT, Mining, and Pipeline.

Commissioner Clark: - Electric G & T, Licensing (Grain and Auctioneers), Railroads, and Weights and Measures.

Commissioner Kalk: - Distribution Utilities (Retail Gas and Electricity), Telecommunications, and Pipeline Safety.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Minutes

Mr. Clark: I move the minutes of December 31, 2008 be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Bills

Mr. Clark: I move the following bills, as reviewed by the Commission, be approved and paid:

Presort Plus	38.03
Wayne Grangaard	923.80
JP Robbins	617.12
Timothy Erdmann	573.00
Stephan A. Schroeder	15.00
Bruce Beechie	7.50
Guy Welch	7.50
William E. Dodd	22.50
Tim Oswald	85.54
Illona Jeffcoat-Sacco	1,800.40
CRT Laboratories, Inc.	5,310.00
OMB – 12/08 supplies	1,152.19
ITD – 12/08 ph	1,754.48
ITD – 12/08 dp	3,451.25
OMB – 12/08 postage	875.72

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Organization of MISO States
Board of Director Appointment

Mr. Clark: I move the Commission appoint Commissioner Tony Clark to represent the North Dakota Public Service Commission on the Board of Directors of the Organization of MISO States, Inc.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-47
PPM Energy, Inc.
Rugby Wind Farm - Pierce County
Siting Application

Mr. Clark: I move the Commission acknowledge the January 8, 2009 approval by Commission staff of turbine structure location changes in Case No. PU-05-47, Rugby Wind, LLC's 150 MW wind farm in Pierce County, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-776
Northern States Power Company
Electric Rate Increase
Application

Mr. Clark: I move the Commission issue a corrected Order Adopting Settlement, correcting an error in the magnitude of the \$20,595,000 rate increase initially requested by the company in Case Number PU-07-776, Northern States Power Company, Electric Rate Increase, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-873
Halstad Telephone Company
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission acknowledge the request of Halstad Telephone Company to withdraw its application for a certificate of public convenience and necessity to provide facilities-based incumbent local exchange services in the Hillsboro exchange in North Dakota, Case No. PU-08-873.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-941
Qwest Corporation
Bismarck Rate Center
Numbering Resources

Mr. Clark: I move the Commission adopt the Order Granting Trade Secret Protection to Qwest Corporation for specific information about its operations and resources in the Bismarck, North Dakota area, Case No. PU-08-941.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-07-653
Knife River Corporation
Bond Release 5, Permit KRGC-8101
Application

Mr. Cramer: I move the Commission approve Bond Release No. 5 for Surface Coal Mining Permit No. KRGC-8101, held by Knife River Corporation for the Gascoyne Mine, to release all remaining reclamation liabilities on 418.2 acres located in portions of Sections 26, 27, 33, 34, and 35, T131N, R99W, Bowman County. The amount of the bond release is \$238,263.50 and it will become effective February 17, 2009, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-07-701
Coteau Properties Company
Revision 30 to Permit NACT-9501
Approval

Mr. Cramer: I move the Commission approve Revision No. 30 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company to revise the post-mining topography and land uses in portions of the permit area and to update other sections of the permit.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-753
2008 AML Coal Fire Suppression Grant
Application

Mr. Cramer: I move the Commission award a contract in the amount of \$30,000 to Basaraba Excavating & Dirt Works LLC to extinguish coal outcrop fires at numerous locations in western North Dakota using funds from the 2008 AML Coal Fire Suppression Grant. I further move the Commission allow staff to issue change orders to increase the amount of the contract by another \$10,000, up to \$40,000.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-927
Dakota Westmoreland Corporation
Notice of Violation 0804
Violation

Mr. Cramer: I move the Commission assess a proposed penalty for Notice of Violation No. 0804 issued to the Dakota Westmoreland Corporation at the Beulah Mine and schedule an informal conference in the matter.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-907
Northern States Power Company
Advance Determination of Prudence
2001 MW Nobles Wind Project
Application

Mr. Clark: I move the commission issue a Notice of Opportunity for Hearing, Case No. PU-08-907.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-908
Northern States Power Company
Advance Determination of Prudence
150 MW Merricourt Wind Project
Application

Mr. Clark: I move the commission issue a Notice of Opportunity for Hearing, Case Nos. PU-08-908 and PU-08-910, Northern States Power Company's Application for Advanced Determination of Prudence and Application for Certificate of Public Convenience and Necessity to construct, own and operate a 150 MW wind project (Merricourt Wind Project) in McIntosh and Dickey Counties, North Dakota.

Case No. PU-08-910
Northern States Power Company
Certificate of Public Convenience &
Necessity
Application

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-947
Valley Grain Service
License No. 1027 - Casselton, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-08-947 granting the request of Valley Grain Service to discontinue business at Casselton, North Dakota, effective January 1, 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-946
Valley Grain Milling Inc.
Grain Warehouse - Casselton, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-08-946 granting the request of Valley Grain Milling Inc. to operate a 150,000-bushel grain warehouse at Casselton, North Dakota, effective January 1, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-942
Montana-Dakota Utilities Co.,
a Division of MDU
19.5 Mw Wind Facility - Rhame, ND
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities, Co. for a certificate of Public Convenience and Necessity to construct, own and operate a 19.5 MW wind farm in Bowman County, North Dakota, Case No. PU-08-942.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-742
Otter Tail Corporation
Renewable Resource Cost Recovery
Rider 2009
Tariff

Mr. Kalk: I move the Commission adopt the Order granting intervention to Large Industrial Group and approving, on an interim basis, the 2009 Renewable Resource Cost Recovery Interim Rider tariff for Otter Tail Corporation's investment in the Ashtabula Wind Energy Center, Case No. PU-08-742.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-872
Halstad Telephone Company
Designated Eligible Carrier
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Halstad Telephone Company for designation as an Eligible Telecommunications Carrier for federal universal service support in the Hillsboro exchange in North Dakota, Case No. PU-08-872.

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

Case No. PU-09-8
Great Plains Natural Gas Co.
January 2009
Cost of Gas

Discussion Only

Case No. PU-09-9
Northern States Power Company
January 2009
Cost of Gas

Case No. PU-09-15
Northern States Power Company
January 2009
Fuel Cost Adjustment

Case No. PU-09-17
Otter Tail Corporation
January 2009
Fuel Cost Adjustment

Case No. PU-08-941
Qwest Corporation
Bismarck Rate Center
Numbering Resources

Mr. Kalk: I move the Commission adopt the Order granting Qwest Corporation's request for a block of 1000 numbers in the Bismarck rate center, Case No. PU-08-941.

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

Case No. PU-09-20
Federal 2007 EISA Standards
Investigation

Mr. Kalk: I move the Commission issue an Order Opening Investigation and Notice of Workshop And Paper Hearing in Case No. PU-09-20, Public Service Commission, Federal 2007 EISA Standards, Investigation.

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

Utility Valuation Billing

Mr. Clark: I move the Commission bill Midcontinent Communications and Consolidated Telcom for costs incurred to date in Case No. PU-08-97, Midcontinent Communications/Consolidated Telcom Interconnection Agreement Amendment, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Polar Aid Mutual Aid Corporation for costs incurred to date in Case No. PU-08-85, Polar Communications Mutual Aid Corporation, Local Exchange, Public Convenience & Necessity.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Midcontinent Communications and Missouri Valley Communications for costs incurred to date in Case No. PU-08-61, Midcontinent Communications/Missouri Valley Communications, Rural Exemption, Investigation.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Missouri Valley Communications, Inc. for costs incurred to date in Case No. PU-08-176, Missouri Valley Communications, Inc., Suspend/Modify Interconnection Requirements, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Polar Aid Mutual Aid Corporation for costs incurred to date in Case No. PU-08-213, Polar Communications Mutual Aid Corporation, Designated Eligible Carrier, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Midcontinent Communications and United Telephone for costs incurred to date in Case No. PU-08-229, Midcontinent Communications/United Telephone, Interim Interconnection Agreement, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Midcontinent Communications and ND Telephone Co. for costs incurred to date in Case No. PU-08-578, Midcontinent Communications/ND Telephone Co., Interconnection Agreement Amendment, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Northern States Power Company for costs incurred to date in Case No. PU-07-776, Northern States Power Company, Electric Rate Increase, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Director of Compliance and
Competitive Markets Appointment and
Salary Adjustment

Mr. Clark: I move the Commission appoint Patrick Fahn as Director of Compliance and Competitive Markets and authorize a salary adjustment consistent with the Executive Secretary's written summary of the Commission's January 8, 2009 working session, effective January 1, 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Director of Economic Regulation
Appointment and Salary Adjustment

Mr. Clark: I move the Commission appoint Mike Diller as Director of Economic Regulation and authorize a salary adjustment consistent with the Executive Secretary's written summary of the Commission's January 8, 2009 working session, effective January 1, 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Environmental Engineer III
New Hire Position

Mr. Clark: I move the Commission acknowledge the offer to and acceptance by Matt Klingenstein to fill Position No. 5019, Environmental Engineer III, in the Reclamation Division effective February 2, 2009 under the terms set forth in the January 8, 2009 written offer.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Gas Pipeline Safety Inspection Plan

Mr. Kalk: I move the Commission approve the 2008 amendments to the Testing & Safety Division Gas Pipeline Safety Inspection Plan.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:32 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT