

January 28, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 28, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Kalk: I move the minutes of January 14, 2009 be approved.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Bills

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

AVI Systems, Inc.	3,315.00
Alltel	275.33
ND Newspaper Association	2,162.78
ND Surplus Property	25.00
Anthony T. Clark	233.43
Leo Praus – 2/09 advance	491.00
OMB – 12/08 central duplicating	179.80
DOT – 12/08	12,291.35
AG's Office	102.51
OMB – 12/08 ups	4.91
ND Geological Survey	786.97
DOT	12.00

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Policy Memorandum 20 to Mine Operators Approval

Mr. Kalk: I move the Commission approve changes to Policy Memorandum No. 20 to Mine Operators pertaining to variances from the 10-year revegetation responsibility period.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-843
Whiting Oil and Gas Corporation
6 - inch Natural Gas Line /
Mountrail Cty
Siting Application

Mr. Kalk: I move the Commission acknowledge its January 22, 2009 Notice of Filings and Notice of Rescheduled Hearings in the applications of Whiting Oil and Gas Corporation for a waiver or reduction of certain procedures and time schedules, and consolidated applications for certificates of site compatibility and route permits authorizing the construction of a 6-inch natural gas pipeline in Mountrail County, and the construction of an 8-inch crude oil pipeline in Mountrail County, North Dakota, Case Numbers PU-08-843, and PU-08-844, respectively, rescheduling the hearings to February 3, 2009.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-844
Whiting Oil and Gas Corporation
8 - Inch Oil Line / Mountrail Cty
Siting Application

Case No. PU-08-923
Saddle Butte Pipeline LLC
Natural Gas / Crude Oil System -
McKenzie/Dunn Cty
Public Convenience & Necessity

Mr. Kalk: I move the Commission acknowledge its January 22, 2009 Notice Extending Opportunity for Hearing in Case No. PU-08-923, Saddle Butte Pipeline LLC's application for a certificate of public convenience and necessity to construct and own a natural gas and crude oil pipeline system in McKenzie and Dunn Counties.

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

Case No. AU-09-35
Krance Auction Service, LLC
Auction Clerk
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Krance Auction Service, LLC, South Heart, North Dakota.

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

Case No. AU-09-36
Colleen Overby dba SC Auction
Service
Auction Clerk
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Colleen Overby, dba SC Auction Service, New Rockford, North Dakota.

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

Case No. PU-09-13
Northern States Power Company
Cogeneration / Small Power Production
Rates

Mr. Kalk: I move the Commission approve Northern States Power Company's Cogeneration/Small Power Producer rates, Case No. PU-09-13.

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

Case No. PU-09-16
Northern States Power Company
Fuel Cost Rider
Tariff

Mr. Kalk: I move the Commission suspend Northern States Power Company's rates filed with its Fuel Clause Adjustment Amendment for Recovery of MISO Ancillary Services Costs application in Case No. PU-09-16.

Mr. Clark: 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 permit attorney Michael J. Bradley and Richard J. Johnson to appear before the Commission under N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 to represent Otter Tail Power Company in Otter Tail Corporation's Renewable Resource Cost Recovery Rider 2009, Case No. PU-08-742.

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

Case No. PU-08-862
Otter Tail Corporation
Electric Rate Increase
Application

Mr. Kalk: I move the Commission permit attorney Michael J. Bradley and Richard J. Johnson to appear before the Commission under N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 to represent Otter Tail Power Company in Otter Tail Corporation's Electric Rate Increase Application, Case No. PU-08-862.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-10
Otter Tail Corporation
WAPA Bill Crediting Program
Tariff

Mr. Kalk: I move the Commission suspend the effectiveness of tariff revisions filed in Case No. PU-09-10, Otter Tail Corporation's WAPA Bill Crediting Program Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-25
Otter Tail Corporation
Cogeneration – Small Power
Production
Tariff

Mr. Kalk: I move the Commission approve Otter Tail Corporation's revised Cogeneration and Small Power Producer Rates filed January 26, 2009 in Case No. PU-09-25.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-07-99
Minnesota Grain, Inc.
Grain Warehouse
Insolvency

Mr. Clark: The District Court's Order Approving Trustee's Report and Discharging Trustee having been appealed to and affirmed by the North Dakota Supreme Court, I move the Commission make prorated payments of the bond proceeds available in this case among the five (5) claimants based upon their valid cash sale claims and that these payments be forwarded to claimants as soon as possible.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-28
Montana-Dakota Utilities Co.,
a Division of MDU
February 2009
Cost of Gas – Propane

Discussion Only

Environmental Engineer III
New Hire Position
Revised Effective Date

Mr. Cramer: 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 with a revised effective date of February 1, 2009.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:54 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT