

February 25, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on February 25, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of February 11, 2009 be approved.

Mr. Kalk: 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:

Leo Praus	617.00
Anthony Clark	1,107.84
FRS Industries, Inc.	2,000.00
AVI Systems, Inc.	8,120.23
Alltel	266.05
Valley Grain Service, Inc. – Refund	175.00
North Dakota Newspaper Association	1,715.83
Snavey King Majoros O'Connor & Bedell, Inc.	3,025.00
Presort Plus	28.48
B & C Concrete Pumping, Inc.	1,329.90
Office of Administrative Hearings	195.91
Attorney General's Office	27.34
OMB – Facility Management	15.33
OMB – Central Duplicating	24.23
DOT – Fleet Services	11,721.83
ITD – Data Processing Service Fee	4,017.86
Fox Sports Radio KDKT	100.00
GE Corporate Payment Services	7,824.99

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-938
US Commodities, LLC
Roving Grain Buyer - Minneapolis, MN
License Application

Mr. Clark: I move the Commission approve the roving grain buyer license application for U.S. Commodities, LLC, of Minneapolis, Minnesota, effective February 17, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-65
Robin Solheim dba Solheim
Auction & Clerking
Auction Clerk License
Revocation

Mr. Clark: I move the Commission issue an order in Case No. AU-09-65 revoking auction clerk license number 562 issued to Robin Solheim dba Solheim Auction & Clerking of Williston, North Dakota effective February 18, 2009, for failing to maintain an adequate bond filing.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-23
Midcontinent
Communications/Consolidated Telcom
Rural Exemption
Investigation

Mr. Clark: I move the Commission acknowledge Midcontinent Communications' withdrawal of its request for a determination of rural exemption in Case No. PU-08-23, and its petitions for arbitration in Case Nos. PU-08-97 and PU-08-225.

Case No. PU-08-97
Midcontinent
Communications/Consolidated Telcom
Interconnection Arbitration
Application

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

Case No. PU-08-225
Midcontinent
Communications/Consolidated Telcom
Interconnection Arbitration
Application

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

Mr. Clark: I move the Commission permit attorney Jacob C. Hendricks to appear before the Commission under N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 to represent Large Industrial Group in Otter Tail Corporation's Renewable Resource Cost Recovery Rider and Determination of Prudence Application, Case No. PU-08-742.

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

Case No. GS-08-765
Northern States Power Company
Gas Safety - Fargo, ND
Inspection

Mr. Clark: I move the Commission amend the end date to June 30, 2009 on the contract with CRT Laboratories, Inc. to conduct tests on pipe samples in Northern States Power Company, Gas Safety, Fargo, North Dakota Inspection, Case No. GS-08-765.

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

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

Mr. Clark: I move the Commission approve the second correction filed February 18, 2009 to Otter Tail Corporation's interim outdoor lighting rate schedule, Case No. PU-08-862, Otter Tail Corporation's Electric Rate Increase Application.

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

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

Mr. Clark: I move the Commission permit attorney Jacob C. Hendricks to appear before the Commission under N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 to represent the Large Industrial Group in Otter Tail Corporation's Electric Rate Increase Application, Case No. PU-08-862.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission acknowledge Northern States Power Company's withdrawal of its application for a fuel clause adjustment amendment for recovery of Midwest Independent Transmission System Operator, Inc. (MISO) ancillary services costs, Case No. PU-09-16.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-07-678
Basin Cooperative Services
Bond Release 6, Permit BCGH-8204
Application

Mr. Cramer: I move the Commission approve Bond Release No. 6 for Surface Coal Mining Permit BCGH-8204, held by Basin Cooperative Services for the Glenharold Mine, to release all reclamation liabilities on 1,759.81 acres of land located in portions of Sections 14, 23 and 24, T144N, R85W and portions of Sections 18, 19, 20, 21, 28, 29 and 33, T144N, R84W, Mercer County, and portions of Sections 3, 4, 6, 8 and 9, T143N, R83W, Oliver County. The amount of the bond release is \$3,013,900.00 and it will become effective March 30, 2009, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-09-26
Williams County Road 9
2009 Phase 4 Construction
Project

Mr. Cramer: I move the Commission authorize procurement of construction services for the 2009 Williams County Road 9 Phase 4, Abandoned Mine Lands project using competitive sealed bidding procedures.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-09-27
Hazen West
2009 Phase 2 Construction
Project

Mr. Cramer: I move the Commission authorize procurement of construction services for the 2009 Hazen West Phase 2, Abandoned Mine Lands project using competitive sealed bidding procedures.

Mr. Kalk: 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. Cramer: I move the Commission adopt the Order Granting a Certificate of Corridor Compatibility and a Route Permit in Whiting Oil and Gas Corporation's application to construct and operate a 6-inch natural gas pipeline in Mountrail County, Case No. PU-08-843.

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

Mr. Cramer: I move the Commission adopt the Order Granting a Certificate of Corridor Compatibility and a Route Permit in Whiting Oil and Gas Corporation's application to construct and operate an 8-inch crude oil pipeline in Mountrail County, Case No. PU-08-844.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission adopt the Order Granting Trade Secret Protection to Northern States Power Company, Case Nos. PU-08-907 and PU-08-908.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Case No. PU-09-53
Ashtabula Wind, LLC /
Otter Tail Corporation
Partial Transfer of Site Certificate
Siting Application

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the joint application of Ashtabula Wind, LLC and Otter Tail Corporation for partial transfer of Certificate of Site Compatibility No. 7 to Otter Tail for its ownership of a 48 MW portion of the Ashtabula Wind Energy Center in Barnes County, North Dakota, Case No. PU-09-53.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-66
St. Hilaire Seed Company, Inc.
Changing Business Hours
Approval

Mr. Clark: I move the Commission issue an order in Case No. GE-09-66 granting the request of St. Hilaire Seed Company, Inc., St. Hilaire, Minnesota, to modify the business hours at its public warehouse in Grafton, North Dakota, on a permanent basis. The facility will be open during normal business hours during dry edible bean harvest and on an as needed basis by appointment only for the remainder of the year.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-29
Granite Telecommunications,
LLC/Qwest Corporation
Local Services Platform Agreement
Application

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection in Qwest Corporation and Granite Telecommunications, LLC's local services platform agreement application, Case No. PU-07-29.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-690
Qwest Corporation / 36networks
(USA) Inc.
Interconnection Agreement
Amendment
Application

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection in Qwest Corporation and 360networks (USA) Inc.'s interconnection agreement amendment application, Case No. PU-08-690.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

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

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:05 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT