

March 11, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 11, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of February 25, 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:

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|----------------------------------|----------|
| Liberty Consulting Group | 1,469.30 |
| IMCC | 275.00 |
| Sybase IAD Subscription Services | 3,444.00 |
| Kadrmass, Lee & Jackson, Inc. | 2,571.58 |
| ND Newspaper Association | 1,242.08 |
| Susan Richter | 150.00 |
| Leo D. Praus | 306.14 |
| JP Robbins | 418.19 |
| James Deutsch | 12.50 |
| Phyllis G. Richter | 908.23 |
| Wayne Grangaard | 805.36 |
| Timothy Erdmann | 534.00 |
| Bruce Beechie | 84.00 |
| Patrick Fahn | 7.50 |
| Guy Welch | 158.50 |
| William E. Dodd | 76.73 |
| Tim Oswald | 76.73 |
| Bruce Johnson | 7.50 |
| Stephan A. Schroeder | 15.00 |
| ND Grain Dealers Association | 130.00 |
| OMB – 2/09 central duplicating | 14.00 |
| ITD – 2/09 phone chgs | 1,572.75 |
| OMB – 2/09 postage | 466.25 |
| ITD – 2/09 microfilm | 631.80 |
| ITD – 2/09 dp service fee | 3,810.48 |

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-85
FERC ER09-681 ITC Green Power
Express
PSC Comments / Interventions

Mr. Clark: I move the Commission acknowledge its March 4, 2009 filing of a notice of intervention in Green Power Express, LP's Section 205 cost recovery proposal filed in Federal Energy Regulatory Commission (FERC) Docket No. ER09-681-000, PSC Case No. PU-09-85.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-89
Numbering Issues - 2009
Investigation

Mr. Clark: I move the Commission acknowledge its response to NeuStar Numbering Pooling Services that Midcontinent Communications - ND has activated number blocks assigned in the Bottineau ND 534 and the Walhalla ND 821 calling prefixes, Case No PU-09-89.

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

Case No. AU-09-90
Eric Charles Gabrielson
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Eric Charles Gabrielson, Litchfield, Minnesota.

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

Case No. AU-09-91
Leonard A. Davis
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Leonard A. Davis, Pittsburgh, Pennsylvania.

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

Case No. AU-09-92
John Paul Villiard
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for John Paul Villiard, Moorhead, Minnesota.

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

Case No. AU-09-93
John Paul Villiard
Auction Clerk
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for John Paul Villiard, Moorhead, Minnesota.

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

Case No. PU-08-723
Montana-Dakota Utilities Co.,
a Division of MDU
Bart Schott - LaMoure County, ND
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Bart Schott at a location in LaMoure County, North Dakota, Case No. PU-08-723.

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

Case No. PU-08-918
Montana-Dakota Utilities Co.,
a Division of MDU
Hope Mastel - Slope County, ND
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Hope Mastel at a location in Slope County, North Dakota, Case No. PU-08-918.

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

Case No. PU-08-919
Montana-Dakota Utilities Co.,
a Division of MDU
Diamond B Company, Inc. –
Mercer Cty, ND
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Diamond B Company, Inc. at a location in Mercer County, North Dakota, Case No. PU-08-919.

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

Case No. PU-08-921
Otter Tail Corporation
Mike Ascheman - Griggs County, ND
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Mike Ascheman at a location in Griggs County, North Dakota, Case No. PU-08-921.

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

Case No. RC-04-409
Royal Oak Enterprises, Incorporated
Bond Release No. 3,
Permit HKHK-8105
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 3 for Surface Coal Mining Permit No. HKHK-8105 held by Royal Oak Enterprises, Inc. to release all remaining reclamation liabilities on 76.82 acres located in portions of Sections 16 and 17, T139N, R95W, Stark County. The amount of the bond release is \$228,070.95 and it will become effective April 13, 2009, unless a formal hearing is requested.

Mr. Kalk: 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 adopt the hearing officer's recommended order for the informal conference held in Case No. RC-08-927 affirming the violation and \$1,500 penalty for Notice of Violation No. 0804 issued to the Dakota Westmoreland Corporation at the Beulah Mine.

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

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

Mr. Cramer: I move the Commission grant the motion of Saddle Butte Pipeline LLC to continue the informal hearing scheduled for February 11, 2009; extend the deadline until April 9, 2009, for Saddle Butte Pipeline LLC to serve and file any response to comments and requests by Three Affiliated Tribes and Arrow Pipeline, LLC, and delay until at least May 6, 2009 a decision on the pending request for hearing, Case No. PU-08-923.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-84
Rough Rider Wind I, LLC
175 MW Wind Farm –
Dickey County ND
Siting Application

Mr. Clark: I move the Commission deem the application complete conditioned on the filing of finalized proposed locations for turbines and related facilities and issue a Notice of Filing and Notice of Hearing in Case No. PU-09-84, Rough Rider Wind I, LLC's proposed 175 MW wind farm in Dickey County, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-94
Northern States Power Company
Metering & Billing
Review

Mr. Kalk: I move the Commission acknowledge the third party external review of Northern States Power Co.'s business practices, specified in Attachment F to the March 2, 2009 Proposal for Resolution, filed by NSP in a separate case, No. PU-08-627.

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 Supplemental Order granting intervention to the North Dakota Large Industrial Energy Group, Goodrich Corporation, Cargill Corporation, Cavendish Farms, Inc., Archer Daniels Midland Company, ComDel Innovation, and Tharaldson Ethanol LLC, Case No. PU 08 742.

Mr. Cramer: 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 adopt the Order Continuing Hearing 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-08-742
Otter Tail Corporation
Renewable Resource Cost
Recovery Rider 2009
Tariff

Mr. Kalk: I move the Commission issue the Notice of Hearing, Notice of Continued Hearing and Notice of Public Input Session in Otter Tail Corporation's Renewable Resource Cost Recovery Rider 2009, Case No. PU-08-742; and Otter Tail Corporation's Electric Rate Increase Application, Case No. PU-08-862.

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

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

Case No. GS-09-68
2009 Natural Gas Pipeline Safety
Certification and Agreement

Mr. Kalk: I move the Commission sign and submit the 2009 Gas Pipeline Safety Certification and Agreement to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, signifying its planned participation in the 2009 gas pipeline safety program year.

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

ATTEST

THE COMMISSION ADJOURNED AT 11:25 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT