

April 13, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 13, 2009, 10:00 a.m. Present were Commissioners Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of March 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:

Batteries Plus	2,796.00
Snavely King Majoros O'Connor & Bedell, Inc.	7,531.25
National Conference of Regulatory Attorneys	300.00
Graybar Electric Company, Inc.	54.35
MARC	400.00
ND Newspaper Association	669.01
The Liberty Consulting Group	1,003.46
ND Surplus Property	10.00
Sheryl Horner	1,409.72
Phyllis G. Richter	720.06
Leo D. Praus	282.85
William E. Dodd	623.32
Michael Berg	130.00
Guy Welch	15.00
Bruce Beechie	22.50
Mark Knell	84.44
Wayne Grangaard	60.00
Annette Bendish	420.40
Rick Fillbrandt	553.34
Illona Jeffcoat-Sacco	218.00
Timothy Erdmann	1,054.72
JP Robbins	679.12
South Heart Coal, LLC	2,745.00
Office of Administrative Hearings	1,912.48
OMB – 3/09 supplies	362.73
ITD – 3/09 microfilm	1,402.95
ITD – 3/09 phone chgs	1,633.48
OMB – 3/09 postage	798.32
OMB – 3/09 central duplicating	30.31

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-146
Commercial Lynks Inc.
Roving Grain Buyer - Alexandria, VA
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-146 granting the request of Commercial Lynks Inc. of Alexandria, Virginia, to discontinue business as a North Dakota roving grain buyer, effective March 23, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-149
Bert Heaton
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Bert Heaton, Bismarck, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-150
Randy J. Kath
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Randy J. Kath, Litchfield, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-152
Shawn D. Hanson
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Shawn D. Hanson, Jamestown, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-34
Otter Tail Corporation
Alltel Wireless Tower - Fessenden, 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 Alltel Wireless Tower located in Wells County, near Fessenden, North Dakota, Case No. PU-09-34.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-627
Northern States Power Company
Meter Malfunctions
Investigation

Mr. Clark: I move the Commission accept Northern States Power Company's Proposal for Resolution filed March 2, 2009 in Case No. PU-08-627, Northern States Power Company, Meter Malfunctions, Investigation.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-925
Coteau Properties Company
Revision No. 7, Permit NACT-0201
Approval

Mr. Clark: I move the Commission approve Revision No. 7 to Surface Coal Mining Permit No. NACT-0201, held by The Coteau Properties Company for the Freedom Mine, to identify the next five year coal removal areas and to update mining and reclamation plans in the permit.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-926
Coteau Properties Company
Renewal No. 1, Permit NACT-0201
Approval

Mr. Clark: I move the Commission approve Renewal No. 1 to Surface Coal Mining Permit No. NACT-0201, held by The Coteau Properties Company for the Freedom Mine, to extend the permit term on the existing permit area for another five years, until April 14, 2014.

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

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-73
M-Power, LLC / Otter Tail Corporation
Transfer of Site Certificate
Siting Application

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the joint application of M-Power, LLC and Otter Tail Corporation for transfer of Certificate of Site Compatibility No. 9 and for Transfer of Corridor Certificate No. 106 and Route Permit No. 116 to Otter Tail Corporation for its ownership of the 49 MW Phase II portion of the Luverne Wind Farm and associated transmission facilities in Barnes and Steele Counties of North Dakota, Case Nos. PU-09-73 and PU-09-136.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-136
M-Power, LLC / Otter Tail Corporation
Transfer Corridor Cert 106 & Rte
Permit 116
Siting 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 adopt the Order Granting Partial Certificate Transfer, and issue certificates of site compatibility to authorize the transfer of ownership to Otter Tail Corporation 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-09-112
Sustainable Systems, LLC dba Montola
Roving Grain Buyer
Insolvency

HOLD OVER

Case No. PU-09-151
Allete, Inc.
Bison 1 Wind Project - Oliver / Morton Counties
Siting Application

Mr. Clark: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and a siting application to one day, and assess a filing fee of \$85,000 due upon the filing of an application in Case No. PU-09-151, Allete, Inc.'s proposed Bison 1 Wind Project in Oliver and Morton Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-39
Montana-Dakota Utilities / Mountrail-Williams Elec
Stanley Area
Service Area Agreement

Mr. Kalk: I move the Commission adopt the Order Approving Electric Service Area Agreement and issue Certificate of Public Convenience and Necessity No. 5394 to Montana-Dakota Utilities Co. authorizing the extension of electric service to customers in areas around the City of Stanley as established by the Service Area Agreement, Case Nos. PU-09-39 and PU-09-40.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-40
Montana-Dakota Utilities Co.,
a Division of MDU
Stanley Area - Service Area Agreement
Public Convenience & Necessity

Case No. PU-09-111
Polar Communications Mutual Aid
Corporation
vs. Qwest Corporation & Information
Technology Dep
Complaint

Mr. Kalk: I move the Commission find the March 18, 2009 complaint filed by Polar Communications Mutual Aid Corporation states a prima facie case, and serve the complaint on the Respondents, Qwest Corporation and the State of North Dakota Information Technology Department, in Case No. PU-09-111.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:15 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT