

June 24, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on June 24, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of June 3, 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:

The Liberty Consulting Group	1,434.50
Alltel	373.81
Spherion Corporation	592.00
HB Sound & Light	952.88
Dell Marketing L.P.	4,767.92
Presort Plus	34.42
Susan Richter	10.00
Patrick Fahn	300.00
Annette Bendish	371.87
Gratech Company, Ltd.	15,314.48
Brian P. Kalk	290.78
Mike Diller	680.32
Mathison's	699.65
Jerry Lein	1,458.50
Burke County Soil Conservation District	17,760.00
ND Newspaper Association	425.39
Illona Jeffcoat-Sacco	1,049.90
Kevin Hanson	825.83
Tony Clark	967.58
Kern & Tabery, Inc.	127,073.76
Agri Industries, Inc.	23,120.40
JP Robbins	262.50
Newman Outdoor Advertising	9,900.00
Tony Clark	304.98
OMB	6.82
OMB – 09 SWICAP	6,832.00
DOT – 5/09	11,509.86

## Bills Continued

OMB – S. Hibl training	57.00
OMB – 4/09 ups	6.15
OMB – 5/09 ups	5.62
ITD – 5/09 ph	1,593.39
OMB – 5/09 postage	779.23
ITD – 5/09 microfilm	1,148.10
OMB – 5/09 central duplicating	9.10
OMB – B. Dodd training	182.50
ITD – 5/09 dp	5,606.50

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-10  
Williams County Rd 9  
2008 Phase 3 Construction  
Project

Mr. Clark: I move the Commission extend Contract No. AM-560-08 until August 15, 2009 with B & C concrete Pumping, Inc. for work associated with the 2008 Williams County Road 9 Phase 3 AML project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-176  
Dakota Westmoreland Corporation  
Notice of Violation 0902  
Violation

Mr. Clark: I move the Commission adopt the order to affirm Notice of Violation No. 0902 issued to Dakota Westmoreland Corporation at the Beulah Mine, cancel of the informal conference that was scheduled in the matter, and close the case.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-209  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Larry Goetzfridt - Morton County, ND  
Public Convenience & Necessity

WITHDRAWN

Case No. PU-09-225  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Renewable Resource Cost Recovery  
Rider  
Tariff

Mr. Clark: I move the Commission suspend Montana-Dakota Utilities Company's Renewable Resource Cost Recovery Rider in Case No. PU-09-225.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-9  
Columbus  
2008 Phase 9 Construction  
Project

Mr. Cramer: I move the Commission close-out Contract No. AM-562-08 with Gratech Company, Ltd. for completion of construction services at the Columbus Phase 9 abandoned mine land site in Burke County.

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 close-out Contract No. AM-576-08 with Basaraba Excavating & Dirt Works LLC for the completion of coal outcrop fire suppression work in McKenzie, Billings, and Slope Counties.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-32  
Dakota Resource Council  
Tangen, Eberts, Hart vs GTLE  
Dakota Plant 1  
Complaint

Mr. Cramer: I move the Commission grant the Complainants' Motion to Amend and Supplement Complaint, dismiss without prejudice Respondent's alternative Motions to Dismiss or for Summary Judgment, in order to clarify and expedite the proceeding, and dismiss as moot Complainant's responsive Motions to Strike and to Refuse or Continue in Case No. RC-09-32, Dakota Resource Council, et al. v. GTLE Dakota Plant 1, and request that the Administrative Law Judge issue the corresponding order implementing this motion and setting forth the procedure for going forward with the case.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-101  
Coteau Properties Company  
Renewal No. 5 for Permit NACT - 8401  
Approval

Mr. Cramer: I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. NACT-8401, held by the Coteau Properties Company, to extend the permit term another five years, until July 3, 2014.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-106  
Falkirk Mining Company  
Revision No. 32 to Permit NAFK-8705  
Approval

Mr. Cramer: I move the Commission conditionally approve Revision No. 32 to Surface Coal Mining Permit No. NAFK-8705, held by the Falkirk Mining Company, to identify the next five-year coal removal subarea, change the postmining land use on 177 acres from cropland to fish and wildlife habitat and industrial use, and update legal and ownership information, surface water management plans and other mining and reclamation plans for the next five-year permit term.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-107  
Falkirk Mining Company  
Renewal No. 4 for Permit NAFK-8705  
Approval

Mr. Cramer: I move the Commission approve Renewal No. 4 to Surface Coal Mining Permit No. NAFK-8705, held by the Falkirk Mining Company, to extend the permit term for another five years, until July 6, 2014.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-143  
Falkirk Mining Company  
Notice of Violation No. 0901  
Violation

Mr. Cramer: I move the Commission adopt a final order in Case No. RC-09-143, Notice of Violation No. 0901 issued to The Falkirk Mining Company at the Falkirk Mine, to affirm the violation and assess a civil penalty.

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

WITHDRAWN

Case No. GE-09-302  
Sustainable Systems, LLC dba Montola  
Roving Grain Buyer - Culbertson, MT  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-302 canceling surrendered roving grain buyer license number 315 issued to Sustainable Systems, LLC doing business as Montola and ordering that all North Dakota roving grain buyer activities be discontinued.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-299  
Alchem, Ltd. LLLP  
License No. 1120 - Grafton, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-299 granting the request of Alchem, Ltd. LLLP to discontinue business at Grafton, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-300  
Northwood Mills, LLLP  
License No. 1184 - Northwood, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-300 canceling surrendered warehouse license number 1184 issued to Northwood Mills, LLLP, at Northwood, North Dakota and ordering that business at Northwood, North Dakota is discontinued effective March 31, 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-301  
VeraSun Hankinson, LLC  
License No. 1196 - Hankinson, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-301 canceling warehouse license number 1196 issued to VeraSun Hankinson, LLC, at Hankinson, North Dakota and ordering that business at Hankinson, North Dakota is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-304  
North Dakota Telephone Company/  
Midcontinent Communications  
Interconnection Agreement  
Amendment  
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Comment in the application for approval of an interconnection agreement amendment negotiated between North Dakota Telephone Company and Midcontinent Communications, Case No. PU-09-304.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Performance Bonuses

Mr. Cramer: I move the Commission award a performance bonus to the employees in position numbers 4994, 4995, 5000, 5001, 5015, 5022, 5023, 5031, and 25988 consistent with the Executive Secretary's written summary of the Commission's June 22, 2009 working session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Cramer: I move the Commission bill Otter Tail Corporation for specific costs and expenses incurred in Case No. PU-08-742, Otter Tail Corporation, Renewable Resource Cost Recovery Rider 2009, Tariff.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Cramer: I move the Commission bill Otter Tail Corporation for specific costs and expenses incurred in Case No. PU-08-862, Otter Tail Corporation, Electric Rate Increase, Application.

Mr. Kalk: 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 and expenses incurred in Case No. PU-09-907, Northern States Power Company, Advance Determination of Prudence, 201 MW Nobles Wind Project, Application.

Mr. Kalk: 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 and expenses incurred in Case No. PU-09-908, Northern States Power Company, Advance Determination of Prudence, 150 MW Merricourt Wind Project, Application; and 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. PU-06-421  
TransCanada Keystone Pipeline, LP  
30-Inch Crude Oil Pipeline/Cavalier to  
Sargent Counties  
Siting Application

Mr. Cramer: I move the Commission submit an application to the Emergency Commission for approval under N.D.C.C. § 49-22-22 to assess a reasonably necessary additional siting fee of \$50,000 to continue the 3<sup>rd</sup> party inspection contract and pay any other additional case processing expenses in Case No. PU-06-421.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:10 P.M.

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Executive Secretary

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KEVIN CRAMER, PRESIDENT