

July 8, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 8, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of June 24, 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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|-----------------------------------|-----------|
| Hewlett Packard Company | 5,060.00 |
| Dakota Sound Systems, Inc. | 1,050.00 |
| The Liberty Consulting Group | 2,009.58 |
| ND Newspaper Association | 963.90 |
| Rick Fillbrandt | 785.40 |
| Timothy Erdmann | 847.00 |
| Dean K. Moos | 22.50 |
| Guy Welch | 255.40 |
| Matt Klingenstein | 237.40 |
| Michael Berg | 52.50 |
| William T. Gunnerson | 724.20 |
| Stephan A. Schroeder | 1,001.40 |
| Mark Knell | 240.63 |
| Bruce Johnson | 109.26 |
| Ray Kelsch | 1,469.53 |
| Bruce Beechie | 507.20 |
| Brian P. Kalk | 370.55 |
| Alan Moch | 93.00 |
| Timothy Oswald | 970.00 |
| William E. Dodd | 123.77 |
| Anthony T. Clark | 381.31 |
| Phyllis G. Richter | 732.47 |
| JP Robbins | 1,057.54 |
| Kern & Tabery, Inc. | 56,129.93 |
| Agri Industries, Inc. | 23,168.10 |
| Leo Praus – 7/09 advance | 408.00 |
| Advanced Business Methods | 275.00 |
| Miller & Associates | 1,325.00 |
| Leo Praus – 6/09 exp | 62.32 |
| Bain Agency Inc. | 384.00 |
| James R. Deutsch | 7.50 |
| Hansons Excavating, Inc. | 48,740.33 |
| Sybase, Inc. | 6,033.60 |
| Executive Air Taxi Corporation | 1,531.98 |
| OMB – 6-09 postage | 550.68 |
| Office of Administrative Hearings | 3,134.66 |
| OMB – 6-09 supplies | 251.00 |

Bills Continued

ITD – 6/09 microfilm 2,131.20
JP Morgan Chase & Co. 8,684.35

Mr. Kalk: 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. Clark: I move the Commission acknowledge the July 2, 2009 staff approval of Whiting Oil and Gas Corporation's request filed June 30, 2009, for route and facility changes for the construction of an 8-inch oil line in Mountrail County, North Dakota, Case No. PU-08-844.

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 Cty
Siting Application

Mr. Clark: I move the Commission direct staff to pursue a sole source contract with Kadrmas Lee & Jackson, Inc. for oversight inspection during construction of the Keystone Pipeline, Case No. PU-06-421.

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

Case No. PU-09-388
Otter Tail Corporation
Luverne 230 kV Transmission Line –
Barnes / Steele
Siting Application

Mr. Clark: I move the Commission acknowledge the June 24, 2009 staff approval of Otter Tail Corporation's request filed June 18, 2009, for a change in structure locations for its 230 kV Transmission Line in Barnes and Steele Counties of North Dakota, Case No. PU-09-388.

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-574-08 with the Burke County Soil Conservation District for completion of tree and shrub planting at the Columbus Phase 9 abandoned mine lands site in Burke County.

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

Case No. AM-08-11
AML Maintenance
2008 Construction
Project

Mr. Cramer: I move the Commission close-out Contract Number AM-572-08 with Hanson's Excavating, Inc. for completion of underground mine sinkhole filling work associated with the Sinkholes 4 project in western North Dakota.

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

Case No. RC-08-655
Basin Cooperative Services
Bond Release 1, Permit BCGH - 8801
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 1 for Surface Coal Mining Permit BCGH-8801, held by Basin Cooperative Services for the Glenharold Mine, to release all reclamation liabilities on 848.56 acres of land located in portions of Sections 15, 16, 17 and 21, T143N, R84W, Oliver County. The amount of the bond release is \$2,260,706 and it will become effective August 10, 2009, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-695
BNI Coal, Ltd.
Bond Release 1, Permit BNCR - 8006
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 1 for Surface Coal Mining Permit No. BNCR-8006, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 210.25 acres located in the E½ of Section 26, T142N, R84W, Oliver County. The bond release will become effective August 10, 2009, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-696
BNI Coal, Ltd.
Bond Release 1, Permit BNCR - 8202
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 1 for Surface Coal Mining Permit No. BNCR-8202, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 158.76 acres located in the SW¼ of Section 26, T142N, R84W, Oliver County. The bond release will become effective August 10, 2009, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-697
BNI Coal, Ltd.
Bond Release 8, Permit 37
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 8 for Surface Coal Mining Permit No. 37, held by BNI Coal, Ltd. for the Center Mine, to release all remaining reclamation liabilities on 85.5 acres located in Section 23, T142N, R84W, Oliver County. The amount of the bond release is \$71,261.90 and it will become effective August 10, 2009, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

WITHDRAWN

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

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

Mr. Clark: I move the Commission deem the application complete conditioned on filing of final turbine locations by August 18, 2009 and issue a Notice of Filing and Notice of Hearing in Case No. PU-09-151, Allete, Inc.'s application for a certificate of site compatibility to construct a proposed 76 MW Bison I Wind Project in Morton and Oliver Counties, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-370
CPV Ashley Renewable Energy
Company, LLC
Ashley Wind Power - Power Project -
McIntosh Cty
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 six months, and assess a filing fee of \$100,000 due upon filing an application in Case No. PU-09-370, CPV Ashley Renewable Energy Company, LLC's (CPV Ashley), proposed 487.6 MW wind energy conversion facility in McIntosh County, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-405
Modern Grain, Inc.
License No. 1085 - Beulah, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-405 granting the request of Modern Grain, Inc., Hebron, North Dakota, to discontinue business at Beulah, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-34
M-Power LLC
Electric Generation - Wind -
Griggs/Steele County
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing a certificate of site compatibility to Ashtabula Wind II, LLC for Phase I of the Luverne Wind Farm consisting of up to 80 wind turbines with up to 120 MW of electric generating capability and associated facilities in Griggs and Steele Counties of North Dakota, Case No. PU-08-34 and PU-09-221.

Case No. PU-09-221
M-Power, LLC / Ashtabula Wind II, LLC
Transfer of Site Certificate
Siting Application

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

Salary Adjustments

Mr. Cramer: I move the Commission, consistent with the intent of the 2009 Legislature, grant a salary increase effective 1 July 2009 to all non-probationary, permanent employees whose documented performance levels meet standards, as specified in the Executive Secretary's written summary of the Commission's 2 July 2009 working session.

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

ATTEST

THE COMMISSION ADJOURNED AT 11:46 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT