

July 29, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 29, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of July 8, 9, 15, 20, 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:

Spherion Corporation	896.00
ND Newspaper Association	600.66
Zones, Inc.	441.03
IMCC	14,394.00
Alltel	272.97
Tom Rafferty	314.96
Janet Marquart	225.23
Darrell Nitschke	280.00
Red Wing Shoe Store	285.15
Superior Window Coverings	4,572.92
Kadrmass, Lee & Jackson, Inc.	1,697.01
Record Keepers, LLC	2.40
Kevin Cramer	495.38
Mike Diller	425.23
NARUC	8,257.00
Agri Industries, Inc.	23,862.75
Kern & Tabery, Inc.	127,353.60
Leo Praus	806.87
Anthony T. Clark	1,089.51
Illona Jeffcoat-Sacco	503.21
Kevin Hanson	491.96
Wayne Grangaard	537.68
Pacer Service Center	22.80
Spherion Corporation	1,679.80
Illona Jeffcoat-Sacco	1,624.42
OMB – Risk Management	250.00
ITD – 6/30 dp	6,104.74
OAH	2,621.55
ND Geological Survey	1,310.59
OMB – 6/09 central duplicating	582.90
DOT – 6/30	16,377.00

Bills Continued

ND Insurance Department 844.51
 JP Morgan Chase & Company 16,475.74
 Mr. Kalk: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-06-330
 Enbridge Pipelines (North Dakota) LLC
 Trenton to Beaver Lodge Pipeline -
 Williams County
 Siting Application

Mr. Clark: I move the Commission approve
 Enbridge Pipelines (North Dakota) LLC's Tree and
 Shrub Replacement Plan filed July 13, 2009, Case No.
 PU-06-330.
 Mr. Kalk: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-06-349
 Enbridge Pipelines (North Dakota) LLC
 Crude Oil Pump Stations-Moun, McHe,
 Rams, GFor Cty
 Siting Application

Mr. Clark: I move the Commission approve
 Enbridge Pipelines (North Dakota) LLC's Tree and
 Shrub Replacement Plan filed March 18, 2009, Case No.
 PU-06-349.
 Mr. Kalk: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-07-169
 Basin Electric Power Cooperative
 230 kV Transmission Line/
 Stark to Bowman Ctys
 Siting Application

Mr. Clark: I move the Commission acknowledge the
 July 20, 2009 staff approval of Basin Electric Power
 Cooperative's request filed July 6, 2009, for a change in
 certain structure locations for its 230 kV Transmission
 Line in Stark and Bowman Counties, North Dakota,
 Case No. PU-07-169.
 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

Mr. Clark: I move the Commission appoint Annette
 Bendish and Mike Diller as advocacy staff in Northern
 States Power Company's Application for an Advance
 Determination of Prudence - Nobles, Case No.
 PU-08-907.
 Mr. Kalk: I second the motion.
 Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission appoint Annette
 Bendish and Mike Diller as advocacy staff in Northern
 States Power Company's Application for an Advance
 Determination of Prudence - Merricourt, Case No.
 PU-08-908.
 Mr. Kalk: I second the motion.
 Roll Call: All voting "Aye."

Case No. PU-09-216
Northern States Power Company
Advance Determination of Prudence -
Bay Front
Application

Mr. Clark: I move the Commission appoint Annette Bendish and Mike Diller as advocacy staff in Northern States Power Company's Application for an Advance Determination of Prudence – Bay Front, Case No. PU-09-216.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-424
Frances & Steven Eidsness dba
Eidsness Trucking
Roving Grain Buyer - Brocket, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-424 cancelling roving grain buyer license number 3039 issued to Frances & Steven Eidsness dba Eidsness Trucking and ordering that all North Dakota roving grain buyer activities be discontinued effective August 1, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-501
Hesco, Inc.
Roving Grain Buyer - Watertown, SD
License Application

Mr. Clark: I move the Commission approve the roving grain license application for Hesco Inc., of Watertown, South Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-48
Minnkota Power Coop., Inc.
Pillsbury-Fargo 230 kV Transmission
Line
Siting Application

Mr. Clark: I move the Commission approve Minnkota Power Cooperative's Summer 2009 Tree and Shrub replacement plan filed July 14, 2009 in Case No. PU-08-48, Minnkota Power Cooperative's Pillsbury to Fargo 230 kV Transmission Line.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-335
Qwest Corporation
Fargo Rate Center
Numbering Resources

Mr. Clark: I move the Commission adopt the Order Granting Trade Secret Protection in Qwest Corporation's request for a block of 1000 numbers in the Fargo rate center, Case No. PU-09-335.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-546
Montana-Dakota Utilities Co.,
a Division of MDU
Cogeneration / Small Power Producer
Rates

Mr. Clark: I move the Commission approve Montana-Dakota Utilities Co.'s Cogeneration/Small Power Producer rates, Case No. PU-09-546.

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 find the July 17, 2009 First Amended and Supplemented Complaint filed by the Dakota Resource Council et al. states a prima facie case, and serve the complaint on the Respondent, GTLE Dakota Plant 1, LLC, in Case No. RC-09-32.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-135
Coteau Properties Company
Bond Release No. 2, Permit
NACT-8503
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 2 for Surface Coal Mining Permit No. NACT-8503, held by The Coteau Properties Company for the Freedom Mine, to release all reclamation liabilities on 73.13 acres of industrial land located in the SW¼ of Section 19, T145N, R87W, Mercer County. No monetary bond reduction was requested and the release will become effective August 31, 2009, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-142
BNI Coal, Ltd.
Renewal No. 5, Permit BNCR-8202
Approval

Mr. Cramer: I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. BNCR-8202, held by BNI Coal, Ltd. for the Center Mine, to extend the permit term another five years until July 31, 2014.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-316
Falkirk Mining Company
Notice of Violation No. 0903
Violation

Mr. Cramer: I move the Commission assess a proposed penalty for Notice of Violation No. 0903 issued The Falkirk Mining Company and issue a notice of formal hearing in the matter.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-31
Northwood Mills, LLLP
Grain Warehouse
Insolvency

Mr. Clark: I move the Commission file the Report and Recommendation of Trustee with District Court, recommending that the bond proceeds available in this case be used to pay eleven (11) claimants based upon their valid cash sale balance claims and that once court approval is obtained, payments be forwarded to these claimants as soon as possible in Northwood Mills, LLLP, Grain Warehouse, Insolvency, Case No. GE-09-31.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-216
Northern States Power Company
Advance Determination of Prudence -
Bay Front
Application

Mr. Clark: I move the commission issue a Notice of Opportunity for Hearing, Case No. PU-09-216, Northern States Power Company, Advance Determination of Prudence - Bay Front, Application.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-502
Dakota Quality Grain Cooperative
License No. 841 - Palermo, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-502 cancelling warehouse license number 841 issued to Dakota Quality Grain Cooperative, Parshall, North Dakota at Palermo, North Dakota and ordering that business at Palermo, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-503
Turtle River Bean Company,
A Division of C & F Foods, Inc.
License No. 1205 - McVile, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-503 canceling warehouse license number 1205 issued to Turtle River Bean Company, A Division of C & F Foods, Inc., City of Industry, California, at McVile, North Dakota and ordering that business at McVile, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-500
Dakota Midland Grain, LLC
License No. 1073 - Velva, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-500 cancelling warehouse license number 1073 issued to Dakota Midland Grain, LLC, Voltaire, North Dakota at Velva, North Dakota and ordering that business at Velva, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-360
Walhalla Bean Company
Grain Warehouse - McVile, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-09-360 granting the request of Walhalla Bean Company, Walhalla, North Dakota, to operate a 66,000-bushel grain warehouse at McVile, North Dakota, effective August 1, 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-551
FERC ER09-1431 Interconnection
Upgrades
PSC Comments / Interventions

Mr. Clark: I move the Commission file with the Federal Energy Regulatory Commission a Notice of Intervention and Comments in Support of proposed revisions to the Midwest ISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff to revise the method for allocating costs of Network Upgrades for generation interconnection projects, FERC Docket No. ER09-1431-000, NDPSC Case No. PU-09-551.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Gas Pipeline Safety Inspection Plan

Mr. Cramer: I move the Commission approve the amendments to the Public Service Commission's Gas Pipeline Safety Inspection Plan.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Acting Executive Secretary

Mr. Cramer: I move that Jim Deutsch be authorized to act as Executive Secretary from August 10 – August 14, 2009 in the absence of the Executive Secretary and Illona A. Jeffcoat-Sacco.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Memorandum of Understanding
Alternate Work Sites

Mr. Cramer: I move the Commission enter into a Memorandum of Understanding with the North Dakota Industrial Commission - Department of Mineral Resources Oil and Gas Division for alternate work sites in case of an emergency and authorize the President of the Public Service Commission to sign on its behalf.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:34 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT