

August 12, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 12, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Cramer: I move the minutes of July 29, 2009, be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Bills

Mr. Cramer: I move the following bills, as reviewed by the Commission, be approved and paid:

Spherion Corporation	928.70
Sybase IAD Subscription Services	4,014.84
Kern & Tabery, Inc.	40,760.36
Presort Plus	14.50
Anthony Clark	301.34
Tom Rafferty	296.00
JP Robbins	739.32
Wayne Grangaard	894.49
Phyllis G. Richter	948.76
Kevin Hanson	1,239.50
Esther Jangula	45.00
Charlene Magstadt	122.00
Darrell Nitschke	194.00
Rick Fillbrandt	705.15
Timothy Erdmann	636.84
Patrick Fahn	1,235.17
Mark Knell	436.81
Stephan Schroeder	112.45
William E. Dodd	247.50
Bruce Johnson	1,474.98
Bruce Beechie	22.50
Guy Welch	22.50
Ray Kelsch	1,340.62
Tim Oswald	720.89
OMB – office rent	26,741.02
OMB – 7/09 supplies	319.76
ITD – 7/09 phone	1,608.33
OMB – 7/09 postage	538.76
DOT – 7/09	17,850.98
ITD – 7/09 dp	8,637.18

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Commission Chairman

Mr. Cramer: As a result of Senate Bill 2132, I move Commissioner Cramer serve as Chairman of the Public Service Commission effective August 1, 2009.

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. Cramer: I move the Commission extend Contract No. AM-560-08 until September 30, 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. GS-09-67
2009 Gas Pipeline Safety Rules
Rulemaking

Mr. Cramer: I move the Commission propose the following amendments to the North Dakota Administrative Code, schedule a hearing for 10:00 a.m., on September 16, 2009, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law.

Article 69-09 Amendments to Gas Pipeline Safety
Article 69-05.2 Amendments to Reclamation Rules

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. Cramer: I move the Commission adopt the Order Granting Trade Secret Protection in Northern States Power Company's Application for Advance Determination of Prudence - Bay Front, Application, Case No. PU-09-216.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-528
Ashtabula Wind II, LLC
Luverne Wind Farm South Field –
Griggs/Steele
Siting Application

Mr. Cramer: I move the Commission acknowledge the July 31, 2009 staff approval of Ashtabula Wind II, LLC's request filed July 28, 2009, for a change in location of its Luverne Wind Farm South Field turbine #179, Case No. PU-09-528.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-612
Dakota Westmoreland Corporation
Revision No. 25, Permit KRSB-8802
Approval

Mr. Cramer: I move the Commission adopt the hearing officer's recommended order for the informal conference held in Case No. RC-08-612, the application for Revision No. 25 to Surface Coal Mining Permit KRSB-8802 held by the Dakota Westmoreland Corporation for the Beulah Mine.

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

Case No. AM-09-581
Columbus
2009 Phase 10 Construction
Project

Mr. Cramer: I move the Commission authorize the procurement of construction services using competitive sealed bidding procedures for the 2009 Columbus, Phase 10, abandoned coal mine project located south of Columbus in Burke County.

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

Case No. AM-09-582
AML Maintenance
2009 Construction
Project

Mr. Cramer: I move the Commission authorize the procurement of construction services using competitive sealed bidding procedures for a maintenance project that involves sinkhole filling at several abandoned coal mine sites in western North Dakota.

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

Case No. AM-09-582
AML Maintenance
2009 Construction
Project

Mr. Cramer: I move the Commission award a contract to Fugro Horizons, Inc. for aerial photography and topographic mapping at the Buechler Velva Abandoned Mine Lands site in Ward County.

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

Case No. PU-08-75
Basin Electric Power Cooperative, Inc.
Electric Generation/Wind –
Ward County
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility for Energy Conversion Facility No. 14 to Basin Electric Power Cooperative for its proposed 115.5 MW PrairieWinds ND1 project in Ward County, North Dakota.

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 adopt the Order on Application for Advance Determination of Prudence for Northern States Power Company's Nobles Wind Project, Case No. PU-08-907.

Mr. Cramer: 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 adopt the Order on Application for Advance Determination of Prudence and Certificate of Public Convenience and Necessity for Northern States Power Company's Merricourt Wind Project, Case No. PU-08-908 and Case No. PU-08-910 respectively.

Case No. PU-08-910
Northern States Power Company
150 MW Merricourt Wind Project
Public Convenience & Necessity

Mr. Cramer: 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 adopt the Findings of Fact, Conclusions of Law and Order issuing a certificate of site compatibility to Rough Rider Wind I, LLC, authorizing construction of its 175 MW Rough Rider Wind I Wind Energy Center consisting of up to 116 1.5 MW wind turbines and associated facilities in Dickey County, North Dakota, Case No. PU-09-84.

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

Case No. GE-09-529
New Century Ag
Grain Warehouse
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-529 granting the request of New Century Ag to discontinue business at Fortuna, Ambrose, Crosby and Noonan, North Dakota and ordering that business at Fortuna, Ambrose, Crosby, and Noonan, North Dakota is discontinued effective August 1, 2009.

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

Case No. GE-09-556
Buffalo Farm Supply, Inc.
License No. 459 - Buffalo, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-556 cancelling warehouse license number 459 issued to Buffalo Farm Supply, Inc. at Buffalo, North Dakota and ordering that business at Buffalo, North Dakota is discontinued effective August 1, 2009.

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

Case No. GE-09-516
New Century Ag
Facility Based Grain Buyer
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-09-516 granting the request of New Century Ag to operate as a facility-based grain buyer at Fortuna, Ambrose, Crosby, and Noonan, North Dakota, effective August 1, 2009.

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

Case No. GE-09-561
Central Valley Bean Cooperative
Grain Warehouse
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-09-561 granting the request of Central Valley Bean Cooperative to operate a 19,000 bushel grain warehouse at Devils Lake, a 13,000 bushel grain warehouse at Lakota, a 17,000 bushel grain warehouse at Lankin, and a 123,000-bushel grain warehouse at Pisek, all located in North Dakota, effective immediately.

I further move the Commission grant the request of Central Valley Bean Cooperative to operate its grain warehouses at Devils Lake, Lakota, Lankin, and Pisek full time through dry edible bean harvest and on an as needed basis by appointment only for the remainder of the year.

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 issue a Notice of Continued Consolidated Hearing in the case of Otter Tail Corporation's application for approval of the 2009 Renewable Resource Cost Recovery Rider, Tariff, Case No. PU-08-742, and Otter Tail Corporation's Electric Rate Increase Application, Case No. PU-08-862.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Case No. PU-06-58
Qwest Performance Assurance Plan
Investigation

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Comment and Notice of Opportunity for Hearing in Case Nos. PU-06-58, PU-07-526, and PU-08-920, Public Service Commission's Investigation into Qwest's Performance Assurance Plan.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-256
Qwest Performance Assurance Plan
Investigation

Case No. PU-08-920
Qwest Performance Assurance Plan
Investigation

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

Mr. Kalk: I move the Commission adopt the order approving an amendment negotiated to an existing interconnection agreement between Midcontinent Communications and North Dakota Telephone Company, Case No. PU-09-304.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Damage Prevention Plan

Mr. Clark: I move the Commission approve the North Dakota Damage Prevention Plan.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:45 A.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN