

February 11, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on February 11, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of January 28, 30, February 2, 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:

Otter Tail Corporation.	149.53
ND Newspaper Association	2,266.19
Kadmas, Lee & Jackson, Inc.	2,582.43
AVI Systems, Inc.	852.00
Graybar	185.72
Wayne Grangaard	504.30
Rick Fillbrandt	683.41
Leo D. Praus	319.38
Kevin Cramer	170.46
Timothy Erdmann	843.46
Phyllis G. Richter	838.12
JP Robbins	712.82
Mark Knell	12.50
Bruce Beechie	15.00
Guy Welch	15.00
William E. Dodd	12.50
Stephan A. Schroeder	22.50
OMB	.58
ITD – 1/09 microfilm	30.00
ITD – 1/09 phone chgs	1,680.18
OMB – 1/09 supplies	388.24
OMB – 1/09 postage	889.25
GE Corporate Payment Services	8,374.53

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission close-out Contract Number AM-568-08 with Hanson's Excavating, Inc. for completion of underground mine sinkhole filling work associated with the Sinkholes 2 project in southwestern North Dakota.

Mr. Kalk: 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 acknowledge the February 5, 2009 staff approval of M-Power, LLC's request filed January 27, 2009, for a change in location of its Luverne Wind Farm turbine #21, Case No. PU-08-34.

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

Case No. PU-08-107
M-Power, LLC
230 kV Transmission Line
Barnes/Steele County
Siting Application

Mr. Clark: I move the Commission acknowledge the February 5, 2009 staff approval of M-Power, LLC's request filed January 27, 2009, for a change in structure locations for its 230 kV Transmission Line in Barnes and Steele Counties of North Dakota, Case No. PU-08-107.

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

Case No. PU-07-776
Northern States Power Company
Electric Rate Increase
Application

Mr. Clark: I move the Commission approve Northern States Power Company's Compliance Rates, to be effective with services rendered on or after March 1, 2009, in the Electric Rate Increase application in Case No. PU-07-776.

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

Case No. PU-09-10
Otter Tail Corporation
WAPA Bill Crediting Program
Tariff

Mr. Clark: I move the Commission approve revisions filed by Otter Tail Corporation to its WAPA Bill Crediting Program tariff rate schedule effective for bills rendered on or after February 1, 2009, Case No. PU-09-10.

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

Case No. PU-06-482
Montana-Dakota Utilities Co.,
a Division of MDU
Advance Determination of Prudence
Application

Mr. Clark: I move the Commission grant the request of Montana-Dakota Utilities Co. to extend the deadline to July 1, 2009, for filing proposals to implement demand-side management and conservation programs as required in ordering paragraph 2 of the Commission's August 27, 2008 order, Case No. PU-06-482.

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

Case No. AM-09-26
Williams County Road 9
2009 Phase 4 Construction
Project

Mr. Cramer: I move the Commission award a Contract to the Williams County Abstract Company in the amount of \$1,497 for work associated with the Williams County Road 9 Phase 4 AML project.

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

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

Mr. Cramer: I move the Commission find the January 22, 2009 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. Clark: I second the motion.

Roll Call: All voting "Aye."

Federal Economic Stimulus Legislation
Comment Letters

Mr. Clark: I move the Commission acknowledge its February 5, 2009 letters to the Honorable Kent Conrad and the Honorable Byron Dorgan, United States Senators, regarding concerns with the economic stimulus legislation.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move the Commission adopt the Order Granting Petition to Intervene in 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-08-920
Qwest Performance Assurance Plan
Investigation

Mr. Kalk: I move the Commission issue the Notice of Qwest Performance Assurance Plan Review and Notice of Opportunity for Comment in the Public Service Commission's investigation of Qwest's Performance Assurance Plan, Case No. PU-08-920.

Mr. Cramer: 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 issue a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity for Hearing in the joint application of Montana-Dakota Utilities Co., Inc., a Division of MDU Resources Group, Inc. (MDU) and Mountrail-Williams Electric Cooperative (Mountrail-Williams) for approval of a service area agreement and issuance of certificate of public convenience and necessity to establish locations and designate service locations to be served by Montana-Dakota and Mountrail-Williams within the City of Stanley, North Dakota, and surrounding areas, Case Nos. PU-09-39 and PU-09-40.

Mr. Cramer: 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-08-923
Saddle Butte Pipeline LLC
Natural Gas/Crude Oil System –
Mckenzie/Dunn Cty
Public Convenience & Necessity

Mr. Cramer: I move the Commission grant the motion of Saddle Butte Pipeline LLC to continue the informal hearing scheduled for February 11, 2009; extend the deadline until March 9, 2009, for Saddle Butte Pipeline LLC to serve and file any response to comments and requests by Three Affiliated Tribes and Arrow Pipeline, LLC, and delay until at least March 30, 2009 a decision on the pending request for hearing, in Case No. PU-08-923.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:57 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT