

September 29, 2009

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

Minutes

Mr. Clark: I move the minutes of September 9, 17, 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:

Interstate Mining Compact Commission	100.00
Spherion Corporation	303.40
Sue Richter	94.30
Illona Jeffcoat-Sacco	94.30
Mike Diller	1,216.39
ND Newspaper Association	1,887.60
Material Testing Services, LLC	20,890.00
Leo Praus – 10/09 advance	541.50
Geological Survey	10.00
B & C Concrete Pumping, Inc.	5,000.00
Spherion Corporation	843.60
ND Newspaper Association	614.90
Dakota Sound Systems, Inc.	980.00
Hewlett-Packard Company	1,414.00
Presort Plus	11.18
ESRI	4,198.63
Wayne Grangaard	473.63
OMB – 8/09 postage	431.36
DOT – 8/09	13,996.83

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

State Reclamation Awards
2009 Award

Mr. Clark: I move the Commission present the 2009 State Reclamation Award to the Dakota Westmoreland Corporation.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

RTK GPS Survey System

Mr. Clark: I move the Commission issue an Intent to Award a purchase order to Graphics Plus/Mathison's in the amount of \$41,918 for the RTK GPS Survey System.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-89
Numbering Issues - 2009
Investigation

Mr. Clark: I move the Commission acknowledge its response to NeuStar, Inc., NANPA Code Administration that Bandwidth.com - ND has activated a number block assigned in the Fargo ND 446 calling prefix, Case No PU-09-89.

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

WITHDRAWN

Case No. AU-09-654
Mike Murphy
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Mike Murphy, Cave Junction, Oregon.

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

Case No. AU-09-655
Jeremiah Johnson
Auction Clerk
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for Jeremiah Johnson, Cave Junction, Oregon.

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

Case No. AU-09-656
Robert Pifer
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Robert Pifer, Fargo, North Dakota.

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

Case No. GE-09-653
Ag Trading Corporation
Roving Grain Buyer - Roswell, GA
License Application

Mr. Clark: I move the Commission approve the roving grain buyer license application in Case No. GE-09-653 for Ag Trading Corporation of Roswell, Georgia.

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

Case No. AU-09-657
David F. Miller dba Dave Miller
Auction Service
Auction Clerk
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for David F. Miller dba Dave Miller Auction Service, Fargo, North Dakota.

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

Case No. PU-09-45
Montana-Dakota Utilities Co.,
a Division of MDU
Brent Knell - Mercer County, ND
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Brent Knell at a location in Mercer County, North Dakota, Case No. PU-09-45.

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

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Larry Goetzfridt at a location in Morton County, North Dakota, Case No. PU-09-209.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-325
Montana-Dakota Utilities Co.,
a Division of MDU
Oil Well - Renville Cty
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Ballantyne Oil for an oil well at a location in Renville County, North Dakota, Case No. PU-09-325.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-326
Montana-Dakota Utilities Co.,
a Division of MDU
Salt Water Disposal - Renville Cty
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to Ballantyne Oil for a salt water disposal plant at a location in Renville County, North Dakota, Case No. PU-09-326.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-403
Montana-Dakota Utilities Co.,
a Division of MDU
City of New Salem Lagoon –
Morton Cty
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to extend electric service to the City of New Salem Lagoon at a location in Morton County, North Dakota, Case No. PU-09-403.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-09-642
2010 Federal/State Gas Pipeline
Safety
Grant Application

Mr. Clark: I move the Commission acknowledge the September 21, 2009 electronic submittal of the 2010 Federal/State Gas Pipeline Safety Grant Application in the amount of \$96,808 to the U.S. Department of Transportation, Office of Pipeline Safety, Washington, D.C. for the operation and management of the 2010 North Dakota intrastate gas pipeline safety program.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-89
Numbering Issues - 2009
Investigation

Mr. Clark: I move the Commission acknowledge its response to NeuStar, Inc., NANPA Code Administration that Bandwidth.com - ND has activated a number block assigned in the Fargo ND 446 calling prefix, Case No PU-09-89.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-09-27
Hazen West
2009 Phase 2 Construction
Project

Mr. Cramer: I move the Commission close-out Contract No. AM-580-09 with Kern & Tabery, Inc. for completion of reclamation work at the Hazen-West, Phase 2, Abandoned Mine Lands reclamation project.

Mr. Clark: 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 issue an Intent To Award a contract to Basaraba Excavating & Dirt Works, LLC in the amount of \$91,275 for the 2009 Maintenance Sinkhole Filling AML Project that involves filling sinkholes at several abandoned underground coal mine sites in western North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-649
Montana-Dakota Utilities Co.,
a Division of MDU
Extension of Service Area –
US Bio Energy
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities, Co., a Division of MDU Resources Group, Inc., for a certificate of public convenience and necessity to expand the service area of the US BioEnergy natural gas transport line, Case No. PU-09-649.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-671
Basin Electric Power Coop Inc.
230kV Transmission Line/Williams
County to William
Siting Application

Mr. Clark: I move the Commission deem the applications complete conditioned on filing of final transmission line structure locations on or before October 20, 2009, and issue a Notice of Filing and Notice of Hearing in the applications of Basin Electric Power Cooperative for a waiver of procedures and time schedules, a corridor certificate and a route permit for its proposed Williston-Tioga 230 kV Electric Transmission line in Williams and Mountrail Counties of North Dakota, Case No. PU-07-671.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-797
Sequoia Energy US Inc.
150MW Border Winds Energy Project -
Rolette/Towner
Siting Application

Mr. Clark: I move the Commission deem the application for a certificate of site compatibility complete conditioned on the filing of final turbine locations on or before October 29, 2009 and issue a Notice of Filing and Notice of Hearing in Case No. PU-08-797, Sequoia Energy US Inc.'s proposed 150 MW wind energy conversion facility in Rolette County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-104
VeraSun Hankinson, LLC
Grain Warehouse
Insolvency

Mr. Clark: I move the Commission file an application with the Richland County District Court, Southeast Judicial District, for appointment as trustee of VeraSun Hankinson, LLC, Hankinson, North Dakota under North Dakota Century Code Chapter 60-02, in Public Service Commission Case No. GE-09-104.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-112
Sustainable Systems, LLC dba
Montola Roving Grain Buyer
Insolvency

Mr. Clark: I move the Commission file the Report and Recommendation of Trustee with District Court, recommending that the bond proceeds in this case be used to pay 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 Sustainable Systems, LLC dba Montola, Roving Grain Buyer, Insolvency, Case No. GE-09-112.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 15 to Minnesota Power, an operating division of Allete, Inc., authorizing construction of its proposed 75.9 MW Bison 1 Wind Project in Oliver and Morton Counties of North Dakota, Case No. PU-09-151.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-20
Federal 2007 EISA Standards
Investigation

Mr. Kalk: I move the Commission adopt the Order On EISA Standards in Case No. PU-09-20, Public Service Commission, Federal 2007 EISA Standards, Investigation.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-217
USF Use Certification 47 CFR 54.314
(2010)
Compliance

Mr. Kalk: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support for rural eligible telecommunications carriers to receive federal universal service funding in 2010, Case No. PU-09-217.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-09-640
Riley Brothers Construction & ND DOT
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Illona A. Jeffcoat-Sacco and Alan Moch as advocacy staff in Public Service Commission, Riley Brothers Construction & ND DOT, Damage Prevention Enforcement, Case No. WM-09-640.

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