

October 28, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 28, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of October 14, 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:

ND Newspaper Association	460.79
Spherion Corporation	1,135.90
Alltel	426.27
Brian P. Kalk	388.80
Mike Diller	1,669.54
Leo Praus – 11/09 advance	445.00
Agri Industries, Inc.	264,917.00
ND Newspaper Association	1,682.28
Rick Fillbrandt	462.35
OAH	2,561.60
OMB – FY10 Workers Comp	5,524.17
NDPERS – retirement seminar	60.00
OAH	2,200.14
OMB – FY10 Risk Management	2,636.10
JP Morgan Chase & Company	9,169.03

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-684
Nick Caspers
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Nick Caspers, Bismarck, North Dakota, effective October 22, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-685
Mitchell Feeds, Inc.
Roving Grain Buyer - Fargo, ND
License Application

Mr. Clark: I move the Commission approve the roving grain license application in Case No. GE-09-685 for Mitchell Feeds, Inc. of Fargo, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-09-67
2009 Gas Pipeline Safety Rules
Rulemaking

Mr. Clark: Having been approved by the Attorney General, I move the Commission adopt the proposed amendment to Section 69-09-03-02 of the North Dakota Administrative Code, and forward the rule to the Legislative Council for publication, Case No. GS-09-67.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-904
Dakota Westmoreland Corporation
Revision No. 22 to Permit KRSB-8603
Approval

Mr. Cramer: I move the Commission conditionally approve Revision No. 22 to Surface Coal Mining Permit KRSB-8603 held by Dakota Westmoreland Corporation to add 890.4 acres to this permit for the Beulah Mine and to update the appropriate sections of the permit to reflect mining in the added area.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-682
Gackle Grain Coop
License No. 740 - Gackle, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-682 cancelling warehouse license number 740 issued to Gackle Grain Coop at Gackle, North Dakota and ordering that business at Gackle, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-631
Allete, Inc. / Square Butte Electric
Cooperative
Transfer of Corridor Certificates &
Route Permits
Siting Application

Mr. Clark: I move the Commission adopt the Order reissuing Certificate of Corridor Compatibility Nos. 70, 76 and 78 and Route Permit Nos. 79, 86 and 88 to Minnesota Power, an operating division of ALLETE, Inc., for its proposed ownership of Square Butte Electric Cooperative's Center to Duluth 250 kV DC electric transmission line, Case No. PU-09-631.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-670
Minnkota Power Coop., Inc.
345 kV Transmission Line –
Center to Grand Forks
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-09-670, Minnkota Power Coop, Inc.'s proposed 345 kV electric transmission line from Center to Grand Forks, North Dakota.

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

WITHDRAWN

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

New Hire - Public Utility Analyst II

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Larry K. Nyquist to fill Position No. 27148, Public Utility Analyst II, effective November 2, 2009, under the terms specified in the October 9, 2009 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Resignation - Grain Warehouse
Inspector

Mr. Cramer: I move that the Commission accept, with regrets, the resignation of Rick Fillbrandt effective October 22, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Post-Probationary Period Salary
Adjustment

Mr. Cramer: I move the approval of a salary increase effective November 1, 2009 for Position No. 5019, upon the satisfactory completion of a nine month probationary period, in an amount consistent with the terms set forth in the Commission's January 8, 2009 offer of employment and the employee's January 12, 2009 written acceptance.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:02 A.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN