

November 25, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 25, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of November 12, 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	910.20
Alltel	335.76
ND Newspaper Association	503.86
Hub International of North Dakota	50.00
AVI Systems, Inc.	3,360.00
Executive Air Taxi Corporation	2,002.73
Dell USA	8,954.62
Raymond Kelsch	689.59
Anthony T. Clark	101.80
Brian P. Kalk	867.64
Annette Bendish	84.25
Agri Industries, Inc.	163,334.50
Dan's Building Specialties	4,250.00
Kevin Cramer	669.49
James Deutsch	451.58
Leo Praus – 12/09 advance	351.50
Edward H. Schwartz Construction, Inc.	70,003.00
JP Morgan Chase & Company	2,657.51

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-659
Northern States Power Company
Advance Determination of Prudence –
Bay Front
Application

Mr. Clark: I move the Commission appoint Annette Bendish, Mike Diller and Larry Nyquist as advocacy staff in Northern States Power Company's application for advance determination of prudence concerning its Bay Front project, Case No. PU-09-659.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission issue a Notice of Opportunity for Comment and Notice of Opportunity for Hearing in Case Nos. PU-06-58, PU-07-256, and PU-08-920, Public Service Commission's Investigation into Qwest's Performance Assurance Plan.

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

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

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

Case No. PU-09-225
Montana-Dakota Utilities Co.,
a Division of MDU
Renewable Resource Cost
Recovery Rider
Tariff

Mr. Clark: I move the Commission acknowledge Montana-Dakota Utilities Co.'s withdrawal of its Renewable Resource Cost Recovery Rider tariff, Case No. PU-09-225.

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

Case No. GS-09-681
North Dakota One-Call
CY2010
Application

Mr. Clark: I move the Commission acknowledge the October 29, 2009 electronic submittal of the 2010 One-Call Grant Application in the amount of \$10,000.

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 award a contract to the Mercer County Soil Conservation District for tree and shrub planting at the Hazen West Phase 2 abandoned mine land site in Mercer County.

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

Case No. AM-09-707
2010 - 2013 ND Reclamation
Simplified Grant
Application

Mr. Cramer: I move the Commission approve the Buechler/Velva, Beulah/Zap, Phase 11, and Williams County Road 9, Phase 5, projects as the major projects for abandoned mine reclamation in 2010.

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

Case No. GE-09-709
Columbia Grain International, Inc.
Facility-Based Grain Buyer –
Merrifield, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-709 cancelling facility-based grain buyer license number 2151 issued to Columbia Grain International, Inc., Portland, Oregon at the Merrifield, North Dakota location and ordering that business at Merrifield, North Dakota is discontinued effective immediately.

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

Case No. PU-09-659
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-09-659, Northern States Power Company's Application for Advanced Determination of Prudence for its proposed 20 MW Bay Front Project located in northern Wisconsin.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-314
Qwest Corporation
Request to Withdraw SGAT Available
Terms/Condition
Application

Mr. Kalk: I move the Commission issue the Notice of Opportunity for Hearing concerning Qwest Corporation's request to withdraw its Statement of Generally Available Terms and Conditions in North Dakota, Case No. PU-07-314.

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 adopt the order concerning Otter Tail Power Company's, formerly known as Otter Tail Corporation, Renewable Resource Cost Recovery Rider 2009 tariff and the Electric Rate Increase application, Case No. PU-08-742 and Case No. PU-08-862, respectively.

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-08-742
Otter Tail Corporation
Renewable Resource Cost Recovery
Rider 2009
Tariff

Mr. Kalk: I move the Commission approve Otter Tail Power Company's, formerly known as Otter Tail Corporation, Compliance Filing in the Renewable Resource Cost Recovery Rider 2009 tariff and the Electric Rate Increase application, Case No. PU-08-742 and Case No. PU-08-862, respectively.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Case No. PU-09-111
Polar Communications Mutual Aid
Corporation vs. Qwest Corporation &
Information Technology Dept
Complaint

Mr. Kalk: I move the Commission adopt the Order of Dismissal concerning Polar Communications Mutual Aid Corporation's complaint against Qwest Corporation and the State of North Dakota – Information Technology Department, Case No. PU-09-111.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-713
FirstLink
211 Designation
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in FirstLink's application for 211 Designation, Case No. PU-09-713.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:26 A.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN