

December 10, 2009

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

Minutes

Mr. Clark: I move the minutes of November 25, 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	80.08
Presort Plus	39.42
Spherion Corporation	1,091.50
Executive Air Taxi Corporation	1,922.75
Kadmas Lee & Jackson, Inc.	1,127.89
FRS Industries, Inc.	396.00
Graphics Plus	41,918.00
Basaraba Excavating & Dirt Works	102,132.50
JP Robbins	740.15
Phyllis G. Richter	779.80
Leo D. Praus	241.82
Brian P. Kalk	273.80
Patrick Fahn	7.50
William E. Dodd	118.05
Matt Klingenstein	110.00
Hewlett-Packard Company	3,178.00
Dakota Sound Systems, Inc.	1,975.00
Guy Welch	372.00
Bruce Johnson	23.30
Tim Oswald	176.01
Bruce Beechie	35.00
Michael Berg	541.80
Stephan A. Schroeder	22.50
Mark Knell	542.24
Timothy Erdmann	580.83
Wayne Grangaard	683.24
OAH	2,633.92
OMB – training	105.00
OMB – 11/09 supplies	310.40
OMB – 11/09 postage	531.28
DOT – 11/09	11,694.40
ITD – 11/09 dp	3,879.15
ITD – 11/09 ph	1,515.07
OMB – 11/09 central duplicating	934.42

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission close out Contract No. AM-583-09 with Edward H. Schwartz Construction, Inc. for completion of reclamation work at the 2009 Columbus Phase 10 Abandoned Mine Lands project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-721
Bob Penfield
Auctioneer License
Revocation

Mr. Clark: I move the Commission issue an order in Case No. AU-09-721 revoking auctioneer license number 838 issued to Bob Penfield of Bowman, North Dakota effective November 29, 2009, for failing to maintain an adequate bond filing.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-722
Bob or Winona Penfield dba
Penfield Auctions
Auction Clerk License
Revocation

Mr. Clark: I move the Commission issue an order in Case No. AU-09-722 revoking auction clerk license number 586 issued to Bob or Winona Penfield dba Penfield Auctions of Bowman, North Dakota effective November 29, 2009, for failing to maintain an adequate bond filing.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-730
Gerald D. Green
Auction Clerk
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for Gerald D. Green, St. Cloud, Minnesota, effective January 1, 2010.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-07-107
BNI Coal, Ltd.
Bond Release 10, Permit BNLS-8109
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 10 for Surface Coal Mining Permit No. BNLS-8109, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 146.52 acres located in Section 17, T162N, R94W, Burke County. The amount of the bond release is \$37,226.00 and it will become effective January 11, 2010, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-194
NuStar Pipeline Operating
Partnership, L.P.
North Project System
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in NuStar Pipeline Operating Partnership, L.P., North Project System, Application for Certificate of Public Convenience and Necessity, Case No. PU-08-194.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-63
BNI Coal, Ltd.
Bond Release 11, Permit BNLS-8109
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 11 for Surface Coal Mining Permit No. BNLS-8109, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 22.49 acres located in Sections 9 and 16, T162N, R94W, Burke County. The amount of the bond release is \$5,287.00 and it will become effective January 11, 2010, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-64
BNI Coal, Ltd.
Bond Release 12, Permit BNLS-8109
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 12 for Surface Coal Mining Permit No. BNLS-8109, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 80.0 acres located in Section 16, T162N, R94W, Burke County. The amount of the bond release is \$44,249.00 and it will become effective January 11, 2010, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-260
Falkirk Mining Company
Bond Release No. 3, Permit
NAFK-9601
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 3 to Surface Coal Mining Permit No. NAFK-9601, held by the Falkirk Mining Company, to release part of the performance bond for the completion of grading and soil re-spreading on 614.6 acres of reclaimed land at the Falkirk Mine. The amount of the partial release is \$1,091,614.41 and will become effective January 11, 2010, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-54
Just Wind - Wind Farm Development
Wind Farm - Logan County
Siting Application

Mr. Clark: I move the Commission issue a Notice of Request to Amend Certificate and Notice of Hearing on the request of Just Wind – Wind Farm Development for reconsideration of six turbine locations excluded from the certificate of site compatibility previously issued for its proposed Logan County wind farm, Case No. PU-07-54.

Mr. Cramer: I second the motion.

Roll Call: Cramer "Aye."

Clark "Aye"

Kalk "Nay"

Case No. PU-09-724
NextEra Energy Resources, LLC
230 kV AC Transmission Line –
Oliver & Morton
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 thirty days, and assess a filing fee of \$17,500 in Case No. PU-09-724, NextEra Energy Resources, LLC's proposed 230 kV transmission line in Morton and Oliver Counties of North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-723
United Telephone / Midcontinent
Communications
Interconnection Agreement
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Comment in the application for approval of an interconnection agreement negotiated between United Telephone Mutual Aid Corporation and Midcontinent Communications, Case No. PU-09-723.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Consumer Affairs and Public Outreach
Specialist
New Hire

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Scott F. Sheldon to fill Position No. 4993, Consumer Affairs and Public Outreach Specialist, effective January 4, 2010, under the terms specified in the December 9, 2009 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-481
Otter Tail Corporation
Advance Determination of Prudence
Application

Mr. Cramer: I move the Commission appoint Annette Bendish, Legal Counsel, as attorney for advocacy staff in Otter Tail Corporation's Advance Determination of Prudence Application and Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Advance Determination of Prudence Application Case No. PU-06-481 and Case No. PU-06-482.

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

THE COMMISSION RECESSED AT 11:20 A.M.

The Public Service Commission reconvened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 10, 2009, 2:05 p.m. Present were Commissioners Cramer, Clark and Kalk.

Case No. PU-09-153
Hawthorn Oil Transportation
(North Dakota), Inc.
8- inch Crude Oil Pipeline –
Mountrail County
Siting Application

Mr. Cramer: I move the Commission adopt the Order Granting Corridor Certificate and Route Permit in Hawthorn Oil Transportation (North Dakota), Inc.'s application to construct and operate an 8-inch crude oil pipeline in Mountrail County, Case No. PU-09-153.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 2:08 P.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN