

December 31, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 31, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Kalk: I move the minutes of December 10, 2009 be approved.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Bills

Mr. Kalk: I move the following bills, as reviewed by the Commission, be approved and paid:

Hewlett-Packard Company	2,616.00
Spherion Corporation	203.50
Alltel	352.64
ND Newspaper Association	147.04
Leo D. Praus	369.89
William T. Gunnerson	311.10
Phyllis G. Richter	508.90
Kevin Cramer	732.94
Brian P. Kalk	98.56
CDW Government, Inc.	4,787.52
Bain Agency, Inc.	82.00
Attorney General's Office	343.44
OAH – 11/09 exp	2,076.16

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-421
TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/
Cavalier to Sargent Cty
Siting Application

Mr. Kalk: I move the Commission approve TransCanada Keystone Pipeline, LP's O&M/Emergency Manual and its Hazardous Liquid Integrity Management Program for High Consequence Areas for purposes of compliance with the Commission's February 21, 2008 Findings of Fact, Conclusions of Law and Order, Case No. PU-06-421.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-812
Enbridge Pipelines (North Dakota) LLC
Stanley Pump Station Upgrades
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee interim refund to Enbridge Pipelines (North Dakota) LLC in the amount of \$24,238.02, Case No. PU-08-812.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-843
Whiting Oil and Gas Corporation
6 - inch Natural Gas Line /
Mountrail Cty
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee interim refund to Whiting Oil and Gas Corporation in the amount of \$9,218.99, Case No. PU-08-843.

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

Case No. PU-08-844
Whiting Oil and Gas Corporation
8 - Inch Oil Line / Mountrail Cty
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee interim refund to Whiting Oil and Gas Corporation in the amount of \$23,218.99, Case No. PU-08-844.

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

Case No. PU-07-169
Basin Electric Power Cooperative
230 kV Transmission Line/
Stark to Bowman Ctys
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee interim refund to Basin Electric Power Cooperative in the amount of \$91,731.09, Case No. PU-07-169.

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

Case No. PU-08-48
Minnkota Power Coop., Inc.
Pillsbury-Fargo 230 kV Transmission
Line
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee interim refund to Minnkota Power Cooperative in the amount of \$88,006.58, Case No. PU-08-48.

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

Case No. PU-08-75
Basin Electric Power Cooperative, Inc.
Electric Generation/Wind –
Ward County
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee interim refund to Basin Electric Power Cooperative in the amount of \$92,382.76, Case No. PU-08-75.

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

Case No. PU-09-84
Rough Rider Wind I, LLC
175 MW Wind Farm –
Dickey County ND
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee interim refund to Rough Rider Wind I, LLC in the amount of \$91,075.91, Case No. PU-09-84.

Mr. Clark: 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. Kalk: I move the Commission issue a siting application fee interim refund to Allete, Inc. in the amount of \$77,911.65, Case No. PU-09-151.

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

Case No. PU-09-676
Otter Tail Power Company
Advance Determination of Prudence—
CapX2020 Group 1
Application

Mr. Kalk: I move the Commission appoint Mike Diller, Illona Jeffcoat-Sacco, and Jerry Lein as advocacy staff in Otter Tail Power Company's application for advance determination of prudence concerning its CapX2020 Group 1 Transmission Projects, Case No. PU-09-676.

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

Case No. PU-09-678
Northern States Power Company
Advance Determination of Prudence—
CapX2020 Group 1
Application

Mr. Kalk: I move the Commission appoint Mike Diller, Illona Jeffcoat-Sacco, and Jerry Lein as advocacy staff in Northern States Power Company's application for advance determination of prudence concerning its CapX2020 Group 1 Transmission Projects, Case No. PU-09-678.

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

Case No. PU-09-731
Montana-Dakota Utilities Co.,
a Division of MDU
Discontinue Prudence Big Stone II
Application

Mr. Kalk: I move the Commission appoint Annette Bendish, Mike Diller, and Jerry Lein as advocacy staff in Montana-Dakota Utilities Co.'s application for a determination that continued participation in the Big Stone II Generating Station is no longer prudent, Case No. PU-09-731.

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

Case No. GE-09-741
Downs, Inc.
Roving Grain Buyer - Langdon, ND
License Application

Mr. Kalk: I move the Commission approve the roving grain buyer license application in Case No. GE-09-741 for Downs, Inc., Langdon, North Dakota.

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

Case No. AU-09-752
Biliske-Schuster Auctioneers, LLC
Auction Clerk
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Biliske-Schuster Auctioneers, LLC, Grand Forks, North Dakota, effective January 1, 2010.

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

Case No. PU-08-627
Northern States Power Company
Meter Malfunctions
Investigation

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection in Northern States Power Company's meter malfunctions investigation, Case No. PU-08-627.

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

Case No. PU-09-576
Otter Tail Corporation
Dave Billing – Ransom County, ND
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Power Company, formerly known as Otter Tail Corporation, to extend electric service to Dave Billing at a location in Ransom County, North Dakota, Case No. PU-09-576.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-665
Otter Tail Corporation
Michael Flaa - Richland Cty
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Power Company, formerly known as Otter Tail Corporation, to extend electric service to Michael Flaa at a location in Richland County, North Dakota, Case No. PU-09-665.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-666
Montana-Dakota Utilities Co.,
a Division of MDU
Ardis Gloria - Morton County
Public Convenience & Necessity

Mr. Kalk: 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 Ardis Gloria at a location in Morton County, North Dakota, Case No. PU-09-666.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-667
Montana-Dakota Utilities Co.,
a Division of MDU
Continental Resources TANDE -
Williams Cty
Public Convenience & Necessity

Mr. Kalk: 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 Continental Resources for an oil well TANDE 1-23H at a location in Williams County, North Dakota, Case No. PU-09-667.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-689
Montana-Dakota Utilities Co.,
a Division of MDU
USDA - NRCS - Burleigh County
Public Convenience & Necessity

Mr. Kalk: 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 USDA/NRCS at a location in Burleigh County, North Dakota, Case No. PU-09-689.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-733
Montana-Dakota Utilities Co.,
a Division of MDU
Deferred Accounting - Big Stone II
Application

Mr. Kalk: I move the Commission appoint Annette Bendish, Mike Diller, and Jerry Lein as advocacy staff in Montana-Dakota Utilities Co.'s application for deferred accounting for costs incurred during its participation in the Big Stone II Project, Case No. PU-09-733.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-739
Otter Tail Power Company
Deferred Accounting – Big Stone II
Application

Mr. Kalk: I move the Commission appoint Annette Bendish, Mike Diller, and Jerry Lein as advocacy staff in Otter Tail Power Company's application for deferred accounting for costs incurred during its participation in the Big Stone II Project, Case No. PU-09-739.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

AML Projects
Public Meeting

Mr. Cramer: I move the Commission authorize the Abandoned Mine Lands Division to hold a public meeting to discuss the 201 Buechler/Velva AML project and to solicit input on other abandoned mines of concern.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-214
American Colloid Co.
Bond Release No. 2,
Permit BDSU-8011
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 2 for Surface Coal Mining Permit No. BDSU-8011, held by the American Colloid Company for the Smith Ullman Mine, to release all reclamation liabilities on 99.24 acres of land located in Section 8, T129N, R94W, Adams County. The release will become effective February 1, 2010, unless a formal hearing is requested.

Mr. Kalk: 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 adopt the Order Granting Certificate concerning Montana-Dakota Utilities Co.'s request to extend the service area granted by Certificate of Public Convenience and Necessity No. 5325 to allow for taps into its existing sixteen-mile pipeline serving US BioEnergy, and to extend facilities from the taps to locations beyond the existing line to customers within the townships of Brightwood, Waldo, De Villo, LaMars, and Fairmount of Richland County, North Dakota, Case No. PU-09-649.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-652
Coteau Properties Company
Bond Release 3, Permit NACT-9101
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 3 for Surface Coal Mining Permit No. NACT-9101, held by the Coteau Properties Company for the Freedom Mine, to release all reclamation liabilities on 628.71 acres of land located in Section 22, T145N, R86W, Mercer County. The release will become effective February 1, 2010, unless a formal hearing is requested.

Mr. Kalk: 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 submit the 2010 - 2013 North Dakota Abandoned Mine Lands Reclamation Simplified Grant Application to the Office of Surface Mining to request \$3,498,697 in federal funds for the Abandoned Mine Lands Program.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-09-743
Coteau Properties Company
Self and Collateral Bond Increase
Approval

Mr. Cramer: I move the Commission approve the rider that increases the amount of Self-Bond No. SB-9501-1 and approve Collateral Bond No. CB-9501-5 that covers all permits held by the Coteau Properties Company for the Freedom Mine. I further move the approval of the cancellation of Collateral Bond Number CB-9501-4.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-740
Modern Grain, Inc.
License No. 1219 - Beulah, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-740 cancelling warehouse license number 1219 issued to Modern Grain, Inc. at Beulah, North Dakota and ordering that business at Beulah, North Dakota is discontinued effective December 17, 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-745
Identity Preserved Ingredients, LLC
Grain Warehouse - Hillsboro, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-09-745 granting the request of Identity Preserved Ingredients, LLC to operate a 15,000-bushel grain warehouse at Hillsboro, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-746
Mott Grain Company
License No. 7 - Mott, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-09-746 cancelling warehouse license number 7 issued to Mott Grain Company and ordering that business at Mott, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-587
Allete, Inc.
230 kV Transmission Line –
Morton/Oliver Counties
Siting Application

Mr. Clark: I move the Commission deem the applications complete and issue a Notice of Filing and Notice of Hearing in the applications of Allete, Inc. for a waiver of procedures and time schedules, a corridor certificate and a route permit for its 230 kV electric transmission line in Morton and Oliver Counties of North Dakota, Case No. PU-09-587.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-09-651
BNSF Railway Company
Review of Private RR Crossings
Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law, and Order in Case No. RR-09-651, BNSF Railway Company, Review of Private Railroad Crossings Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-692
Basin Electric Power Coop /
PrairieWinds ND 1 Inc
Transfer of Site Certificate
Siting Application

Mr. Clark: I move the Commission adopt the Order Reissuing Certificate in the joint application of Basin Electric Power Cooperative, Inc. and PrairieWinds ND1, Inc. to transfer Certificate of Site Compatibility for Energy Conversion Facility No. 14 from Basin Electric Power Cooperative, Inc. to PrairieWinds ND1, Inc., Case No. PU-09-692.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-751
Organic Grain and Milling, Inc.
License No. 1156 - Clyde, ND
Suspension / Revocation

Mr. Clark: I move the Commission, under N.D.C.C. § 60-02-09.1, adopt the Order Suspending Warehouse License Number 1156 of Organic Grain and Milling, Inc., Boulder, Colorado, at their Clyde, North Dakota warehouse, effective December 29, 2009, for lack of adequate bond, and issue a Notice of Opportunity to be Heard in Case No. GE-09-751.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-751
Organic Grain and Milling, Inc.
License No. 1156 - Clyde, ND
Suspension / Revocation

Mr. Clark: I move the Commission, under N.D.C.C. § 60-02-10.1, adopt the Order Authorizing Limited Operations, as requested by Organic Grain and Milling, Inc., in Case No. GE-09-751.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

New Hire - Grain Warehouse Inspector

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Michael D. McNamee to fill Position No. 4012, Grain Warehouse Inspector, effective January 4, 2010, under the terms specified in the December 17, 2009 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:34 A.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN