

August 4, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 4, 2010, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Cramer: I move the minutes of July 28, 2010 be approved.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Bills

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

Basin Electric Power Cooperative	88,825.13
Allete, Inc.	56,800.26
Northern States Power Company	124,820.40
FedEx	304.32
Ron Halvorson	35.00
ND Newspaper Association	385.68
Bob A. Bachmeier	807.57
Michael McNamee	1,050.37
Timothy Erdmann	913.87
Guy Welch	110.52
Mark Knell	485.55
Ray Kelsch	1,684.97
Bruce Beechie	7.50
Stephan A. Schroeder	15.00
Charlene A. Magstadt	150.86
Leo Praus	444.77
JP Robbins	626.10
Phyllis G. Richter	787.84
Dakota Sound Systems, Inc.	2,015.00
Smith Contracting, Inc.	102,261.66
William E. Dodd	135.50
OMB – 7/10 supplies	1,152.75

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-10-63
Weights and Measures
Rulemaking

Mr. Cramer: Having been approved by the Attorney General, I move the Commission adopt the proposed amendments to Article 69-10 and Section 69-09-09-06 of the North Dakota Administrative Code, and forward the rules to the Legislative Council for publication, Case No. WM-10-63 and Case No. PU-10-159.

Case No. PU-10-159
Public Utilities - Decommissioning
Rulemaking

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-325
North Dakota Oilseed Mills, LLC
Grain Warehouse - Northwood, ND
License Application

Mr. Cramer: I move the Commission adopt the Order Granting Trade Secret Protection in North Dakota Oilseed Mills, LLC, Grain Warehouse – Northwood, ND, License Application, Case No. GE-10-325.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

WITHDRAWN

Case No. PU-10-490
Qwest Corporation
Fargo Rate Center
Numbering Resources

Mr. Cramer: I move the Commission adopt the Order granting Qwest Corporation's request for a block of 1000 numbers in the Fargo rate center, Case No. PU-10-490.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-490
Qwest Corporation
Fargo Rate Center
Numbering Resources

WITHDRAWN

Case No. PU-09-750
Bridger Pipeline LLC
10-inch Crude Oil Pipeline–
McKenzie,Dunn,Billings
Siting Application

Mr. Cramer: I move the Commission deem the applications complete and issue a Notice of Filing and Notice of Hearing in the request of Bridger Pipeline LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit for the construction of approximately 77 miles of crude oil pipeline in McKenzie, Dunn, and Billings Counties of North Dakota, Case No. PU-09-750.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-14
Falkirk Mining Company
Revision 19 to Permit NAFK-9503
Approval

Mr. Cramer: I move the Commission approve Revision No. 19 to Surface Coal Mining Permit NAFK-9503 held by Falkirk Mining Company to allow the mining of additional lands within the permit area, to add design plans for two sedimentation ponds, and to update other sections of the permit to reflect the additional mining.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-113
BNI Coal, Ltd.
Revision 9, Permit BNCR-9401
Approval

Mr. Cramer: I move the Commission approve Revision No. 9 to Surface Coal Mining Permit No. BNCR-9401, held by BNI Coal, Ltd. for the Center Mine, to identify the next five-year coal removal subarea and to update other plans and information in the permit for the next five-year permit term.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-112
BNI Coal, Ltd.
Renewal 3, Permit BNCR-9401
Approval

Mr. Cramer: I move the Commission approve Renewal No. 3 for Surface Coal Mining Permit No. BNCR-9401, held by BNI Coal, Ltd. for the Center Mine, to extend the permit term for another five years, until August 16, 2015.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-130
Enbridge Pipelines (North Dakota) LLC
Berthold Station Upgrades
Siting Application

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Enbridge Pipelines (North Dakota) LLC's application to expand and upgrade its existing Berthold Station in Ward County, North Dakota, Case No. PU-10-130.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-39
Williams County Road 9
2010 Phase 5 Construction
Project

Mr. Cramer: I move the Commission authorize staff to write change orders to Contract No. AM-591-10 with B & C Concrete Pumping, Inc. to increase the amount of the original contract by \$100,000 for additional grout that may be needed at the Williams County Road 9 Phase 5 AML project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-147
Ashtabula Wind III, LLC
Ashtabula III Wind Energy Center -
Barnes Cty
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility for Energy Conversion Facility No. 17 to Ashtabula Wind III, LLC authorizing construction of its proposed 69 MW wind energy conversion facility in Barnes County, North Dakota, Case No. PU-10-147,

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-325
North Dakota Oilseed Mills, LLC
Grain Warehouse - Northwood, ND
License Application

Mr. Clark: I move the Commission cancel the August 31, 2010 hearing and issue an order in Case No. GE-10-325 granting the request of North Dakota Oilseed Mills, LLC to operate a 50,000 bushel grain warehouse at Northwood, North Dakota conditioned upon a satisfactory showing of statutory compliance, and submission of a \$100,000 bond and written confirmation of North Dakota Oilseed Mills, LLC's agreement assuring the Commission that all scale tickets issued for grain received will be immediately converted into cash.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-18
Otter Tail Power Company
2010 Renewable Resource Cost
Recovery Adj. Factor
Tariff

Mr. Kalk: I move the Commission adopt the Order approving Otter Tail Power Company's 2010 Renewable Resource Cost Recovery Adjustment Factor, Case No. PU-10-18.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:08 P.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN