

August 24, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 24, 2010, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of August 4, 11, 2010 be approved.

Mr. Cramer: 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	2,023.73
Newman Outdoor Advertising	1,500.00
Executive Air Taxi Corporation	1,788.60
Kyocera Mita America Inc.	685.00
F-M Forklift Sales & Service, Inc.	280.35
Presort Plus	14.04
Alltel	693.02
Bradley Lavold	1,459.79
Tim Oswald	228.50
Sheila Hibl	880.00
Jerry Lein	220.10
Anthony T. Clark	499.48
Scott Sheldon	271.98
Brian P. Kalk	198.99
Wayne Grangaard	580.80
Patrick Fahn	15.00
Heritage Electric, Inc.	917.63
Dan's Building Specialties	7,740.00
Susan Richter	1,047.82
OMB – 2010 rent	26,786.73
OMB – 7/10 printing	7.00
ITD – 7/10 phone	1,599.08
OMB – 7/10 postage	705.75
DOT	14,813.24
ITD – 7/10 dp	5,750.57
Attorney General's Office	610.83
ITD – 7/10 microfilm	446.80

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-507  
US Commodities, LLC  
Roving Grain Buyer - Minneapolis, MN  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-10-507 cancelling roving grain buyer license number 3155 issued to US Commodities, LLC and ordering that all North Dakota roving grain buyer activities be discontinued effective August 1, 2010.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-556  
LaMotte Seed, Inc.  
Roving Grain Buyer - Minot, ND  
License Application

Mr. Clark: I move the Commission approve the roving grain buyer license application in Case No. GE-10-556 for LaMotte Seed, Inc. of Minot, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-557  
United Pulse Trading Inc.  
Roving Grain Buyer - Bismarck, ND  
License Application

Mr. Clark: I move the Commission approve the roving grain buyer license application in Case No. GE-10-557 for United Pulse Trading, Inc. of Bismarck, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-559  
Terry D. Brown dba T. Brown Auction  
Auction Clerk  
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for Terry D. Brown dba T. Brown Auction, Grand Forks, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-565  
Gary Togstad  
Auctioneer  
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Gary Togstad, West Jordan, Utah.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-566  
Kent L. Kleiman  
Auctioneer License  
Revocation

Mr. Clark: I move the Commission issue an order in Case No. AU-10-566 revoking auctioneer license number 871 issued to Kent L. Kleiman of Lynnville, Indiana effective August 21, 2010 for failing to maintain an adequate bond filing.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission adopt the Order Approving Stipulation in Public Service Commission, Riley Brothers Construction & ND DOT, Damage Prevention Enforcement, Case No. WM-09-640.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-124  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Electric Rate Increase  
Application

Mr. Clark: I move the Commission adopt the Order Granting Intervention to Jim Roache in Montana-Dakota Utilities Co.'s electric rate increase application, Case No. PU-10-124.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-347  
Otter Tail Power Company  
Corey Theede, Richland County  
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Power Company to extend electric service to Corey Theede at a location in Richland County, North Dakota, Case No. PU-10-347.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-510  
WWC Holding Co., Inc.  
Designated Eligible Carrier  
Cancellation / Application

Mr. Clark: I move the Commission permit WWC Holding Co., Inc. to relinquish its designation as an eligible telecommunications carrier in all of its designated service areas, Case No. PU-10-510.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-552  
Kathy and Donovan Nelson  
Damage Prevention Enforcement

Mr. Clark: I move the Commission appoint Bob Bachmeier and Illona A. Jeffcoat-Sacco as advocacy staff in Public Service Commission, Kathy and Donovan Nelson, Damage Prevention Enforcement, Case No. PU-10-552.

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. Clark: I move the Commission approve Otter Tail Power Company's compliance filing for rates in its 2010 Renewable Resource Cost Recovery Adjustment Factor application, Case No. PU-10-18.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-640  
Falkirk Mining Company  
Revision No. 13, Permit NAFK - 9601  
Approval

Mr. Cramer: I move the Commission adopt the formal hearing order to affirm the March 10, 2010 decision to conditionally approve Revision No. 13 to Surface Coal Mining Permit No. NAFK-9601 held by the Falkirk Mining Company.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-329  
2010 AML Coal Fire Suppression Grant  
Application

Mr. Cramer: I move the Commission issue an intent to award a contract to Dave Titus Excavating, Inc. to extinguish coal outcrop fires at numerous locations in Slope County using funds from the 2010 AML Coal Fire Suppression Grant.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-418  
Coteau Properties Company  
Notice of Violation No. 1003  
Violation

Mr. Cramer: I move the Commission assess a proposed penalty for Notice of Violation No. 1003 issued to The Coteau Properties Company and issue a notice of informal conference in the matter.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-553  
Hiland Operating, LLC  
4-Inch Natural Gas Liquids Pipelines  
Siting Application

Mr. Cramer: 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 weeks, and assess a filing fee of \$12,000 in Case No. PU-10-553, Hiland Operating, LLC's proposed 4-inch natural gas liquids pipeline in McKenzie and Williams Counties, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-554  
Hiland Operating, LLC  
6-Inch Natural Gas Liquids Pipeline  
Siting Application

Mr. Cramer: 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 weeks, and assess a filing fee of \$20,000 in Case No. PU-10-554, Hiland Operating, LLC's proposed 6-inch natural gas liquids pipeline in McKenzie County and Williams Counties of North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-555  
Hiland Operating, LLC  
8-Inch Nat. Gas Liquids Main &  
Lateral Pipeline  
Siting Application

Mr. Cramer: 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 weeks, and assess a filing fee of \$17,000 in Case No. PU-10-555, Hiland Operating, LLC's proposed 8-inch natural gas liquids pipeline in McKenzie County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-513  
Technology Crops, Inc.  
Grain Warehouse - Pingree, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-10-513 granting the request of Technology Crops, Inc., Winston-Salem, North Carolina, to operate a 1,553,000-bushel grain warehouse at Pingree, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-512  
Columbia Grain International, Inc.  
Facility-Based Grain Buyer –  
Oakes and Crete, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-10-512 granting the request of Columbia Grain International, Inc., Portland, Oregon, to operate as a facility-based grain buyer at Crete and Oakes, North Dakota, effective August 16, 2010.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-561  
Circle K Feed & Grain, Inc.  
License No. 33 - Glen Ullin, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-10-561 cancelling warehouse license number 33 issued to Circle K Feed & Grain, Inc. at Glen Ullin, North Dakota and ordering that business at Glen Ullin, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-508  
Dakotaland Feeds, LLC  
Grain Warehouse - Glen Ullin, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-10-508 granting the request of Dakotaland Feeds, LLC of Huron, South Dakota, to operate a 107,000-bushel grain warehouse at Glen Ullin, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-560  
Dakota Midland Grain, LLC  
License No. 1071 - Drake, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-10-560 cancelling warehouse license number 1071 issued to Dakota Midland Grain, LLC at Drake, North Dakota and ordering that business at Drake, North Dakota is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-514  
Farmers Union Oil Company of Velva  
Grain Warehouse - Drake, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-10-514 granting the request of Farmers Union Oil Company of Velva to operate a 325,000-bushel grain warehouse at Drake, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-506  
Montana-Dakota Utilities Co.,  
a Division of MDU  
230 kV Transmission System  
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. for a certificate of public convenience and necessity to construct approximately 30 miles of 230 kV electric transmission line and associated facilities in Dickey and McIntosh Counties of North Dakota, Case No. PU-10-506.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-309  
North Dakota Telephone Co. /  
Midcontinent Comm.  
Interconnection Agreement  
Amendment  
Application

Mr. Kalk: I move the Commission adopt the order approving an interconnection agreement amendment negotiated between North Dakota Telephone Company and Midcontinent Communications, Case No. PU-10-309.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-59  
Northern States Power Company  
Aggregators of Retail Customers  
Investigation

Mr. Kalk: I move the Commission adopt the Order Prohibiting ARC Operations in the investigation into Northern States Power Company's request to prohibit the operation of Aggregators of Retail Customers, Case No. PU-10-59.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-157  
Turtle Mountain Comm. /  
Midcontinent Comm.  
Rural Exemption  
Investigation

Mr. Cramer: I move the Commission bill Turtle Mountain Communications & Midcontinent Communications for specific costs and expenses incurred in Case No. PU-10-157, Turtle Mountain Communications/Midcontinent Communications, Rural Exemption, Investigation.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

2009 Legislative Salary Increase

Mr. Cramer: I move the Commission; consistent with the intent of the 2009 Legislature, grant a salary increase to the employees in position numbers 5014, 5015, and 5026, each effective July 1, 2010, as specified in the written summary of the Commission's August 24, 2010 working session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:15 A.M.

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Executive Secretary

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KEVIN CRAMER, CHAIRMAN