

September 22, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 22, 2010, 01:30 p.m. Present were Commissioners Cramer and Kalk. Commissioner Clark participated by telephone and authorized his Administrative Assistant to sign contracts and orders on his behalf.

Minutes

Mr. Cramer: I move the minutes of September 8, 10, 14, 2010, be approved.

Mr. Kalk: 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:

Smith Bakke Porsborg Schweigert & Armstrong	5,457.95
Eggers Electric Motor. Co.	225.00
Material Testing Services, LLC	322.00
Dell	7,554.29
Brown & Saenger	5,364.27
ND Newspaper Association	1,308.07
Circle K Feed & Grain, Inc.	275.00
IMCC	150.00
Alltel	606.85
Mike Diller	1,682.18
Fugro Horizons, Inc.	26,700.00
Sybase, Inc.	4,014.84
DOT – 8/10	14,562.44
ITD – 8/10 phone	1,732.64
OMB – 8/10 central duplicating	12.00
ITD – 8/10 dp	4,738.10

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-128  
Public Utilities - Siting  
Rulemaking

Mr. Cramer: I move the Commission adopt the Order Submitting Rules to Attorney General in Case No. PU-10-128, Siting Rulemaking, Case No. PU-10-129, Electric Rulemaking, and Case No. AD-10-167, Practice and Procedure Rulemaking, for an opinion as to legality.

Case No. PU-10-129  
Electric  
Rulemaking

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AD-10-167  
Practice and Procedure  
Rulemaking

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

Mr. Cramer: I move the Commission approve TransCanada Keystone Pipeline, LP's plan filed August 23, 2010 for the replacement of trees and shrubs in compliance with the Commission's February 21, 2008 Findings of Fact, Conclusions of Law and Order concerning the construction of the Keystone Pipeline, Case No. PU-06-421.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

State Reclamation Awards  
2010 Award

Mr. Cramer: I move the Commission present the 2010 State Reclamation Award to the BNI Coal, Ltd.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-550  
Otter Tail Power Company  
Plains, Grain and Agronomy LLC-  
Ransom Cty  
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Plains, Grain and Agronomy LLC at a location in Ransom County, North Dakota, Case No. PU-10-550.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-563  
Otter Tail Power Company  
Terry Mertz - Wells County  
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Terry Mertz at a location in Wells County, North Dakota, Case No. PU-10-563.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-165  
Coteau Properties Company  
Revision No. 15 to Permit NACT-0401  
Approval

Mr. Cramer: I move the Commission approve Revision No. 15 to Surface Coal Mining Permit No. NACT-0401, held by The Coteau Properties Company for the Freedom Mine, to identify the next five-year coal removal subareas and to update other information and plans for the next permit term.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-166  
Coteau Properties Company  
Renewal No. 1 for Permit NACT-0401  
Approval

Mr. Cramer: I move the Commission approve Renewal No. 1 to Surface Coal Mining Permit No. NACT-0401, held by The Coteau Properties Company for the Freedom Mine, to extend the permit term on the existing permit area for another five years, until September 26, 2015.

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 adopt the order to affirm Notice of Violation No. 1003 issued to The Coteau Properties Company at the Freedom Mine, cancel the informal conference that was scheduled in the matter, and close the case.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Corridor Certificate No. 115 and Route Permit No. 125 to Bridger Pipeline, LLC for its oil pipeline in McKenzie, Dunn, and Billings Counties of North Dakota, Case No. PU-09-750.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-568  
Bear Paw Energy, LLC  
Garden Creek Plant - Gas Processing -  
McKenzie Cty  
Siting Application

Mr. Cramer: I move the Commission deem the application complete and issue a Notice of Filing and Notice of Hearing in the request of Bear Paw Energy, LLC for a certificate of site compatibility for the construction and operation of a 100 million standard cubic feet per day gas processing plant in McKenzie County of North Dakota, Case No. PU-10-568.

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 issue a Notice of Hearing regarding Enbridge Pipelines (North Dakota) LLC's request that the Commission supersede and preempt the City of Berthold's zoning decision for Berthold Station upgrades in Ward County of North Dakota, Case No. PU-10-130.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-578  
Trinidad Benham Corp.  
Grain Warehouse - Pillsbury, ND  
License Application

Mr. Cramer: I move the Commission issue an order in Case No. GE-10-578 granting the request of Trinidad Benham Corp. to operate a 204,000-bushel grain warehouse at Pillsbury, North Dakota.

I further move the Commission grant the request of Trinidad Benham Corp. to operate the grain warehouse at Pillsbury, North Dakota, on an as-needed basis.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-583  
Demeter (1993) Inc. dba Viterra  
Grain Warehouse - Cando, ND  
License Application

Mr. Cramer: I move the Commission issue an order in Case No. GE-10-583 granting the request of Demeter (1993) Inc. dba Viterra to operate a 37,000-bushel grain warehouse at Cando, North Dakota.

I further move the Commission grant the request of Demeter (1993) Inc. dba Viterra to operate the grain warehouse at Cando, North Dakota, on an as-needed basis.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-334  
Otter Tail Power Company /  
McLean Electric Coop  
Garrison Area  
Service Area Agreement

Mr. Kalk: I move the Commission adopt the Order Approving Electric Service Area Agreement, and issue Certificate of Public Convenience and Necessity No. 5422 to Otter Tail Power Company authorizing the extension of electric service to customers around the City of Garrison, North Dakota as established by the Electric Service Area Agreement, Case No.'s PU-10-334 and PU-10-417.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-417  
Otter Tail Power Company  
Garrison Area –  
Service Area Agreement  
Public Convenience & Necessity

Case No. PU-10-476  
USF Use Certification 47  
CFR 54.314 (2011)  
Compliance

Mr. Kalk: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support for rural eligible telecommunications carriers to receive federal universal service funding in 2011, Case No. PU-10-476.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-568  
North Dakota Network Co.  
2009 High-Cost Universal Service  
Support  
Annual Report

WITHDRAWN

Case No. PU-10-574  
Standing Rock  
Telecommunications, Inc.  
ETC Designated Service Area  
Application

WITHDRAWN

Repeal of Procurement Procedures  
Document and  
Contract Procedures Document

Mr. Cramer: I move the Commission repeal the Public Service Commission's Procurement Procedures document adopted January 12, 1981, 8th revision September, 2004, and the Public Service Commission's Contract Procedures document adopted January 12, 1981, 6th revision April 2001.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 02:45 P.M.

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Executive Secretary

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KEVIN CRAMER, CHAIRMAN