

April 28, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 28, 2010, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Cramer: I move the minutes of April 8, 13, 19, 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:

Minot Guaranty & Escrow Co.	300.00
ND Newspaper Association	1,440.89
Northwest Abstract & Title, Inc.	300.00
Alltel	441.55
Mike Diller	233.82
James Deutsch	583.27
Brian P. Kalk	449.40
Leo D. Praus – 5/10 advance	534.00
Basaraba Excavating & Dirt Works	5,970.00
Matt Klingenstein	67.50
OMB – 3/10 supplies	333.74
OMB – 3/10 postage	317.11
OMB – Acrobat training	316.00
ITD – 3/10 microfilm	120.00
Attorney General's Office	47.25
DOT – 3/10	11,539.52
OMB – Dreamweaver training	476.00
ITD – 3/10 dp	4,822.42
ITD – 3/10 phone	1,566.52
Attorney General's Office	245.74
OAH	1,144.24
OMB – 3/10 ups	7.74
ND Geological Survey	1,928.89
OMB – 3/10 printing	26.06
JP Morgan Case and Company	3,613.15

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-126
Michael E. Carr
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Michael E. Carr, Jefferson, Georgia.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-131
Carl J. Radde
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Carl J. Radde, Cologne, Minnesota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-132
Carl J. Radde
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Carl J. Radde, Cologne, Minnesota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-133
Brent Allen Ulmer
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Brent Allen Ulmer, Ashley, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-75
Montana-Dakota Utilities Co.,
a Division of MDU
Northwest Communications
Cooperative – Williams Ct
Public Convenience & Necessity

Mr. Cramer: 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 Northwest Communications Cooperative at a location in Williams County, North Dakota, Case No. PU-10-75.

Mr. Clark: 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. Cramer: I move the Commission appoint Mike Diller and Illona Jeffcoat-Sacco as advocacy staff in Montana-Dakota Utilities Co.'s electric rate increase application, Case No. PU-10-124.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

WITHDRAWN

Case No. AM-10-37
Buechler/Velva
2010 Construction
Project

Mr. Cramer: I move the Commission award a contract to Smith Contracting, Inc. of Butte, Montana, in the amount of \$1,225,500 for construction services for the Buechler/Velva abandoned mine lands reclamation project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-38
Beulah/Zap
2010 Phase II Construction
Project

Mr. Cramer: I move the Commission issue a Notice of Intent to Award a contract to Geoserv, Inc. of Bismarck, ND in the amount of \$23,300.00 for material testing and other services for the Beulah/Zap Phase 11 Abandoned Mine Lands reclamation project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-38
Beulah/Zap
2010 Phase II Construction
Project

Mr. Cramer: I move the Commission issue a Notice of Intent to Award a contract to B & C Concrete Pumping, Inc. of Williston, ND, in the amount of \$601,500.00 for drilling and pressurized grouting at the Beulah/Zap Phase 11 Abandoned Mine Lands reclamation project.

Mr. Kalk: 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 issue a Notice of Intent to Award a contract to B & C Concrete Pumping, Inc. of Williston, ND, in the amount of \$213,875.00 for drilling and pressurized grouting at the Williams County Road 9 Phase 5, Abandoned Mine Lands reclamation project.

Mr. Kalk: 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 issue a Notice of Intent to Award a contract to Material Testing Services, LLC, of Minot, ND, in the amount of \$8,450.00 for material testing and other services for the Williams County Road 9 Phase 5, Abandoned Mine Lands reclamation project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-51
2010 Construction
Project

Mr. Cramer: I move the Commission issue a Notice of Intent to Award a contract to Fugro Horizons, Inc. of Rapid City, SD in the amount of \$26,700.00 for topographic mapping at the Columbus Abandoned Mine Lands Site.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-120
Hess Corporation
Tioga Gas Plant Addition - Williams Cty
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 thirty days, and assess a filing fee of \$100,000 in Case No. PU-10-120, Hess Corporation's proposed addition to its Tioga Gas Plant in Williams County of North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-121
2011 Administration and
Enforcement Grant
Approval

Mr. Cramer: I move the Commission submit the 2011 Administration and Enforcement Grant Application to the Office of Surface Mining for funding the coal mining regulatory program from July 1, 2010, to June 30, 2011.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-123
Request for Proposals for Siting
Inspections
Contract

Mr. Cramer: I move the Commission issue a request for proposal for consulting services for post-construction siting inspections, Case No. PU 10-123.

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 acknowledge the Letter of Intent, shorten the one year waiting period between filing a letter of intent and a siting application to 7 days, and assess a filing fee of \$44,500 in Case No. PU-10-130, Enbridge Pipelines (North Dakota) LLC's proposed Berthold Station upgrades in Ward County of North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-125
Scott G. Foss dba Lone Prairie Grain
License No. 1192 - Tunbridge, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-10-125 cancelling warehouse license number 1192 issued to Scott G. Foss dba Lone Prairie Grain at Tunbridge, North Dakota and ordering that business at Tunbridge, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-122
Lone Prairie Grain, Inc.
Grain Warehouse
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-10-122 granting the request of Lone Prairie Grain, Inc., Maddock, North Dakota, to operate a 198,000-bushel grain warehouse at Maddock, North Dakota and a 111,000-bushel grain warehouse at Tunbridge, North Dakota, effective immediately.

Mr. Cramer: 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. Clark: I move the Commission adopt the Order Granting Intervention to the Midwest Independent System Operator in Otter Tail Power Company's application for advance determination of prudence concerning its CapX2020 Group 1 Transmission Projects, Case No. PU-09-676, and 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. Cramer: 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

Case No. GS-09-642
2010 Federal/State Gas Pipeline
Safety
Grant Application

Mr. Kalk: I move the Commission acknowledge its April 14, 2010 letter to the U. S. Department of Transportation – Pipeline and Hazardous Materials Safety Administration affirming its need for suspension of the 3-year average minimum state funding contribution requirement for the 2009 calendar year.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Public Utility Analyst Resignation

Mr. Kalk: I move the Commission accept, with regret, the resignation of Larry Nyquist effective April 23, 2010.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Weights and Measures
Inspector/Program Coordinator

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of J. P. Robbins to fill the position of Weights and Measures Inspector/Program Coordinator, effective May 1, 2010, under the terms specified in the April 27, 2010 written offer.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:32 A.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN