

May 12, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 12, 2010, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of April 28, 2010 be approved.

Mr. Kalk: 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:

Hub International of ND	50.00
Presort Plus	13.64
Phyllis G. Richter	897.73
JP Robbins	453.60
Wayne Grangaard	733.12
Michael McNamee	604.90
Timothy Erdmann	370.40
Tim Oswald	126.55
William E. Dodd	124.15
Stephan A. Schroeder	432.50
Bruce Beechie	15.00
Bruce Johnson	7.50
Mark Knell	170.30
Guy Welch	106.28
Leo D. Praus	545.07
OMB – 4/10 postage	443.67
OMB – 4/10 supplies	170.89
DOT	8,394.48
ITD – 4/10 phone	1,853.51
ITD – 4/10 dp	4,228.75
JP Morgan Chase & Company	8,946.79

Mr. Kalk: 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 acknowledge the Withdrawal of Petition to Intervene of Citizens for Community Vision 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.

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

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-145  
Sarah J. Grafe  
Auction Clerk License  
Cancellation

Mr. Clark: I move the Commission issue an order in Case No. AU-10-145 cancelling auction clerk license number 503 issued to Sarah J. Grafe, Spring Valley, Minnesota.

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

Case No. AU-10-151  
Dale E. Hande  
Auctioneer  
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Dale E. Hande, Rhame, North Dakota.

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

Case No. GE-10-144  
Montana Specialty Mills LLC  
Roving Grain Buyer - Great Falls, MT  
License Application

Mr. Clark: I move the Commission approve the roving grain buyer license application in Case No. GE-10-144 for Montana Specialty Mills Limited Liability Company, Great Falls, Montana, effective June 1, 2010.

Mr. Kalk: 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 find that the April 29, 2010 complaint filed by Commission Advocacy Staff against Riley Brothers Construction states a prima facie case, and serve the complaint on the Respondent, Riley Brothers Construction, in Public Service Commission, Riley Brothers Construction & ND DOT, Damage Prevention Enforcement, Case No. WM-09-640.

Mr. Kalk: 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 appoint Patrick Fahn as advocacy staff in Public Service Commission, Riley Brothers Construction & ND DOT, Damage Prevention Enforcement, Case No. WM-09-640.

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

Case No. PU-10-69  
Otter Tail Power Company  
City of Fairmount Lift Station –  
Richland Cty  
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 the City of Fairmount at a location in Richland County, North Dakota, Case No. PU-10-69.

Mr. Kalk: 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 rescind the appointment of Illona Jeffcoat-Sacco and appoint Annette Bendish as advocacy staff in Montana-Dakota Utilities Co.'s electric rate increase application, Case No. PU-10-124.

Mr. Kalk: 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 suspend the effectiveness of tariff revisions filed in Montana-Dakota Utilities Co.'s electric rate increase application, Case No. PU-10-124.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-09-681  
North Dakota One-Call  
CY2010  
Application

Mr. Clark: I move the Commission issue a Notice of Intent to Award for outdoor advertising services to Newman Outdoor Advertising in the North Dakota One-Call contract year 2010 application, Case No. GS-09-681.

Mr. Kalk: 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 issue a Notice of Formal Hearing on the March 10, 2010 decision to approve Revision No. 13 to Surface Coal Mining Permit NAFK-9601 held by the Falkirk Mining Company.

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 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. Clark: 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 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. 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 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. 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 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. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-51  
2010 Construction  
Project

Mr. Cramer: I move the Commission 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. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-724  
NextEra Energy Resources, LLC  
230 kV Transmission Line –  
Oliver & Morton  
Siting Application

WITHDRAWN

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

Mr. Clark: 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 one week, and assess a filing fee of \$70,000 due upon filing an application in Case No. PU-10-147, Ashtabula Wind III, LLC's proposed 70 MW wind energy conversion facility in Barnes County, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-724  
Oliver Wind III, LLC  
230 kV Transmission Line –  
Oliver & Morton  
Siting Application

Mr. Clark: I move the Commission deem the applications complete conditioned upon filing of final transmission structure locations one week prior to the hearing and issue a Notice of Filing and Notice of Hearing in the applications of Oliver Wind III, LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit to construct approximately 11 miles of 230 kV transmission line and associated facilities in Oliver and Morton Counties of North Dakota, Case No. PU-09-724.

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 issue a Notice of Opportunity for Hearing in the investigation into Northern States Power Company's request that the Commission 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-10-154  
Telecommunications Relay Service  
Misc. Case

Mr. Kalk: I move the commission publish notice of the 2010-2011 Telecommunications Relay Service Surcharge in the daily newspapers of general circulation in the state of North Dakota, Case No. PU-10-154.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

2010 AML Construction Inspector

Mr. Cramer: I move the Commission hire Bradley Lavold for seasonal part-time employment as a Construction Inspector for the AML Division with a period of employment from June 1, 2010 to November 19, 2010 at a salary of \$16.00 per hour plus time and a half for hours in excess of the standard 40 hour work week.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Personnel Policy Acknowledgement  
Form

Mr. Cramer: I move the Commission adopt the revised personnel policy acknowledgement form and include the revised form with Commission Personnel Policy 1-03-85, Policy 1-18-89, Policy 3-03-89 and Policy 3-15-03.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:28 A.M.

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Executive Secretary

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KEVIN CRAMER, CHAIRMAN