

October 20, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 20, 2010, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Cramer: I move the minutes of October 6, 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:

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| Presort Plus | 9.96 |
| ETSystems, Inc. | 775.00 |
| American Inns of Court | 210.00 |
| National Regulatory Research Institute | 10,000.00 |
| F-M Forklift Sales & Service Inc. | 669.76 |
| NAAML P | 50.00 |
| Material Testing Service, LLC | 12,838.00 |
| Pacer Service Center | 26.32 |
| MVTL Laboratories, Inc. | 90.00 |
| Smith Bakke Porsborg Schweigert & Armstrong | 5,389.00 |
| ND Newspaper Association | 68.72 |
| Dell USA L.P. | 8,954.62 |
| Alltel | 633.05 |
| Scott Sheldon | 7.50 |
| Anthony T. Clark | 574.04 |
| William E. Dodd | 578.70 |
| B & C Concrete Pumping, Inc. | 104,869.20 |
| OMB – 9/10 postage | 561.06 |
| OMB – 9/10 supplies | 582.19 |
| ITD – 9/10 phone | 1,705.39 |
| Attorney General's Office | 589.80 |
| ITD – 9/10 dp | 4,738.10 |
| OMB – 9/10 ups | 11.27 |
| DOT – 9/10 | 22,104.27 |

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 reduce the filing fee from \$87,500 to \$65,000 regarding Bear Paw Energy, LLC's proposed gas processing plant in McKenzie County, North Dakota, Case No. PU-10-568.

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 Notice of Intent to Award contracts for consulting services to Keitu Engineers & Consultants, Inc. and to Wenck Associates, Inc. in the Public Service Commission's request for proposals for post-construction siting inspections, Case No. PU-10-123.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-601
Shorestone Development
Master Meter Waiver
Approval

Mr. Cramer: I move the Commission adopt the Order granting Shorestone Development's petition to master meter electric service, Case No. PU-10-601.

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 award a contract to Dig It Up Backhoe Service in the amount of \$13,251.00 for maintenance work at the Buechler/Velva Abandoned Mine Lands Site.

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 permit Enbridge Pipelines (North Dakota) LLC to withdraw its request to reopen the proceeding and to supersede and preempt local zoning by the City of Berthold, North Dakota and I further move the Commission cancel the public hearing scheduled to begin November 5, 2010 at 11:00 a.m. at the Berthold American Legion Hall in Berthold, Case No. PU-10-130.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-331
Dakota Westmoreland Corporation
Renewal No. 4 to Permit KRSB-8802
Approval

Mr. Cramer: I move the Commission approve Renewal No. 4 to Surface Coal Mining Permit No. KRSB-8802, held by Dakota Westmoreland Corporation for the Beulah Mine, to extend the permit term another five years, until October 23, 2010.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-332
Dakota Westmoreland Corporation
Revision No. 26 to Permit KRSB-8802
Approval

Mr. Cramer: I move the Commission approve Revision No. 26 to Surface Coal Mining Permit No. KRSB-8802, held by Dakota Westmoreland Corporation for the Beulah Mine, to update the business entity, compliance and property ownership information and operations and reclamation plans for the next five year permit term.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-419
Leonardite Products LLC
Revision 3, Permit GRGR-0501
Approval

Mr. Cramer: I move the Commission approve Revision No. 3 to Surface Coal Mining Permit GRGR-0501, held by Leonardite Products, LLC, to identify areas that will be mined during the next five year permit term and to update other information and operations and reclamation plans.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-420
Leonardite Products LLC
Renewal No. 1, Permit GRGR-0501
Approval

Mr. Cramer: I move the Commission approve Renewal No. 1 to Surface Coal Mining Permit GRGR-0501, held by Leonardite Products, LLC, to extend the permit term another five years, until November 2, 2015.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-599
Minto Grain, LLC
License No. 1024 - Minto, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-10-599 cancelling warehouse license number 1024 issued to Minto Grain, LLC at Minto, North Dakota and ordering that business at Minto, North Dakota is discontinued.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-600
Gavilon Grain, LLC
Facility-Based Grain Buyer - Minto, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-10-600 granting the request of Gavilon Grain, LLC to operate as a facility-based grain buyer at Minto, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-606
Otter Tail Power Company
345 kV Transmission Line –
Fargo to Monticello
Public Convenience & Necessity

Case No. PU-10-607
Northern States Power Company
345 kV Transmission Line –
Fargo to Monticello
Public Convenience & Necessity

Case No. RR-10-26
BNSF Railway Company
Review of Private RR Crossings
Application

ATTEST

Executive Secretary

Mr. Clark: I move the Commission issue a notice of opportunity for hearing in the applications of Otter Tail Power Company and Northern States Power Company for certificates of public convenience and necessity to construct and operate a proposed 345 kV electric transmission line from the Minnesota Border to a new Bison Substation to be constructed in Cass County, North Dakota, Case No.'s PU-10-606 and PU-10-607.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Mr. Clark: I move the Commission issue a Notice of Hearing in BNSF Railway Company's application for review of the Fraine Barracks railroad crossing in Bismarck, North Dakota, Case No. RR-10-26.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

THE COMMISSION ADJOURNED AT 10:50 A.M.

KEVIN CRAMER, CHAIRMAN