

November 24, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 24, 2010, 10:00 a.m. Present were Commissioners Cramer and Clark. Commissioner Kalk participated by telephone and authorized his Administrative assistant to sign orders on his behalf.

Minutes

Mr. Cramer: I move the minutes of November 2, 12, 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:

Presort Plus	10.95
Alltel	572.64
ND Newspaper Association	1,478.52
NDPERS – Bendish Insurance	137.18
Dig It Up Backhoe	15,882.09
Big Muddy Bar Association	20.00
Smith Bakke Porsborg Schweigert & Armstrong	1,440.00
Mathai & Associates Regulatory Consultants	9,720.56
ND State Board of Law Examiners	780.00
Felhaber Larson Fenlon & Vogt	24,264.25
Northern States Power Company	9,887.21
Otter Tail Power Company	9,416.75
Leo Praus 11-12/10 advance	805.50
Brad Lavold	381.67
Heritage Electric Inc.	5,500.00
Dan's Building Specialties	14,650.00
Jerry Lein	1,066.22
Ray Kelsch	439.60
Matthew A. Sagsveen	7.50
B & C Concrete Pumping, Inc.	206,327.05
Anthony T. Clark	245.00
Brian P. Kalk	198.40
Kevin Cramer	1,608.00
Berg Engineering & Sales Company, Inc.	36,358.00
OMB – training	105.00
OMB – 10/10 surplus property	65.00
OMB – 10/10 supplies	430.52
OMB – 10/10 central duplicating	12.00
OMB – 10/10 postage	343.25
OMB – FY 11 Workers Comp	7,287.59
ITD – 10/10 phone	1,729.13

Bills (Continued)	DOT – 10/10	19,182.17
	ITD – 10/10 dp	4,105.96
	Attorney General's Office	2,366.10
	JP Morgan Chase and Company	4,997.79
	Mr. Clark: I second the motion.	
	Roll Call: All voting "Aye."	
Unapproved Bills	Mr. Cramer: I move the following payment be denied.	
	ND State Board of Law Examiners – Bendish	380.00
	Mr. Clark: 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 closeout Contract No. AM-597-10 with Dave Titus Excavating, Inc. for completion of work on the 2010 coal fire suppression project in Slope County.	
	Mr. Clark: I second the motion.	
	Roll Call: All voting "Aye."	
Case No. PU-10-128 Public Utilities - Siting Rulemaking	Mr. Cramer: Having been approved by the Attorney General, I move the Commission adopt the proposed amendments to Article 69-06, Chapter 69-09-08, and Section 69-02-01-06 of the North Dakota Administrative Code, and forward the rules to the Legislative Council for publication, Case No. PU-10-128, Siting Rulemaking, Case No. PU-10-129, Electric Rulemaking, and Case No. AD-10-167, Practice and Procedure Rulemaking.	
Case No. PU-10-129 Electric Rulemaking	Mr. Clark: I second the motion.	
Case No. AD-10-167 Practice and Procedure Rulemaking	Roll Call: All voting "Aye."	
Case No. PU-09-676 Otter Tail Power Company Advance Determination of Prudence- CapX2020 Group 1 Application	Mr. Cramer: I move the Commission issue a utility valuation application fee refund to Otter Tail Power Company in the amount of \$122,870.83, Case No. PU-09-676.	
	Mr. Clark: 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	Mr. Cramer: I move the Commission issue a utility valuation application fee refund to Northern States Power Company in the amount of \$121,320.24, Case No. PU-09-678.	
	Mr. Clark: I second the motion.	
	Roll Call: All voting "Aye."	

Case No. AU-10-629
Ronald D. Olson
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Ronald D. Olson, Jamestown, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-127
Northern States Power Company
Advance Determination of Prudence –
Prairie Island
Application

Mr. Cramer: I move the Commission appoint Mike Diller and Mark Gruman as advocacy staff in Northern States Power Company, Advance Determination of Prudence - Prairie Island, Case No. PU-10-127.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-466
Montana-Dakota Utilities Co.,
a Division of MDU
Continental Resources McGregor
1-15H, Williams Cty
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. to extend electric service to Continental Resources McGregor at a location in Williams County, North Dakota, Case No. PU-10-466.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-467
Montana-Dakota Utilities Co.,
a Division of MDU
Troy Kupper, Williams County
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. to extend electric service to Troy Kupper at a location in Williams County, North Dakota, Case No. PU-10-467.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-586
Otter Tail Power Company
Michelle or Reggie Bladow,
Richland County
Public Convenience & Necessity

Mr. Cramer: 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 Michelle or Reggie Bladow at a location in Richland County, North Dakota, Case No. PU-10-586.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-597
Otter Tail Power Company
Joe's Ag Supply - Sargent 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 Joe's Ag Supply at a location in Sargent County, North Dakota, Case No. PU-10-597.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-620
Otter Tail Power Company
Justin Herman - Benson 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 Justin Herman at a location in Benson County, North Dakota, Case No. PU-10-620.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-523
BNI Coal, Ltd.
Bond Release No. 6,
Permit BNCR-8106
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 6 for Surface Coal Mining Permit No. BNCR-8106, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 193.66 acres located in the N½ of Section 25 and SW¼ of Section 36, T142N, R84W, Oliver County. The bond release will become effective December 27, 2010, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-694
BNI Coal, Ltd.
Bond Release 7,
Permit BNCR - 8106
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 7 for Surface Coal Mining Permit No. BNCR-8106, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 195.0 acres located in the SE¼ of Section 23 and SE¼ of Section 26, T142N, R84W, Oliver County. The bond release will become effective December 27, 2010, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-65
Basin Cooperative Services
Revision 36 to Permit BCGH-8204
Approval

Mr. Cramer: I move the Commission approve Revision No. 36 to Surface Coal Mining Permit No. BCGH-8204, held by the Basin Cooperative Services for the Glenharold Mine, to change the post-mining land use on 325 acres from native grassland, stockponds and wetlands to industrial use for expansion of the ash disposal site used by the Leland Olds Power Station. This revision also makes minor changes to other sections of the permit in response to a periodic review of the permit.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-598
Coteau Properties Company
Notice of Violation No. 1004
Violation

Mr. Cramer: I move the Commission assess a proposed penalty for Notice of Violation No. 1004 issued to The Coteau Properties Company and issue a notice of formal hearing in the matter.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-630
Plains Pipeline, L.P.
Crude Oil Pipeline - Williams County
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 two weeks, and assess a filing fee of \$100,000 in Case No. PU-10-630, Plains Pipeline, L.P.'s proposed crude oil pipeline in Williams County, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-127
Northern States Power Company
Advance Determination of Prudence –
Prairie Island
Application

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in Northern States Power Company's Application for Advance Determination of Prudence for its proposed Prairie Island Nuclear Plant Life Extension & Extended Power Uprate Project located in Red Wing, Minnesota, Case No. PU-10-127.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-862
Otter Tail Corporation
Electric Rate Increase
Application

Mr. Kalk: I move the Commission approve Otter Tail Power Company's, formerly known as Otter Tail Corporation, Compliance Filing Removing Economic Development Costs from Rates, Case No. PU-08-862.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Tuition Assistance

Mr. Cramer: I move the Commission accept Sheila Hibel's request for tuition reimbursement provided that she meets the guidelines in Policy No. 3-05-95 (1) of the Commission's Policy Manual.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:44 A.M.

Executive Secretary

KEVIN CRAMER, CHAIRMAN