

January 12, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 12, 2011, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Reorganization of Commission
Nomination of President

Mr. Cramer: I move that Commissioner Clark serve as Chairman of the Public Service Commission for the next two years.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Reassignment of Portfolios

Mr. Clark: I move that Commission portfolios for the next two years be allocated as follows:

Commissioner Clark: - Administration, Electric Generation & Transmission, Licensing (Grain and Auctioneers), Railroads, and Weights and Measures.

Commissioner Kalk: - Gas and Electric Distribution Utilities, Telecommunications, and Pipeline Safety.

Commissioner Cramer - Information Technology, Mining, and Pipelines.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Minutes

Mr. Cramer: I move the minutes of December 30, 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:

ND Newspaper Association	772.76
Presort Plus	23.30
Michael Berg	298.00
Wayne Grangaard	316.30
Bob A. Bachmeier	1,264.46
Phyllis G. Richter	106.17
Bruce E. Beechie	15.00
Bruce A. Johnson	7.50
William E. Dodd	7.50
Guy A. Welch	112.80
Tim Oswald	7.50
Stephan A. Schroeder	15.00
Leo Praus 1/11 advance	435.00
AGRO	200.00
ITD – 12/10 phone	1,804.34
OMB – 12/10 supplies	945.33
DOT – 12/10	5,613.14

Bills Continued

ITD – 12/10 dp	5,042.08
JP Morgan Chase and Company	4,350.82
Mr. Kalk: I second the motion.	
Roll Call: All voting "Aye."	

Case No. GE-11-17
Columbia Grain International, Inc.
Roving Grain Buyer
Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-11-17 cancelling roving grain buyer license number 3107 issued to Columbia Grain, Inc., Portland, Oregon and ordering that all North Dakota roving grain buyer activities be discontinued.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-15
Columbia Grain, Inc.
Roving Grain Buyer - Portland, OR
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Columbia Grain, Inc., Portland, Oregon in Case No. GE-11-15.

Mr. Kalk: 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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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. Kalk: 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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-657
Northern States Power Company
Electric Rate Increase
Application

Mr. Cramer: I move the Commission suspend the effectiveness of tariff revisions filed in Northern States Power Company's electric rate increase application, Case No. PU-10-657.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-671
Otter Tail Power Company
Cogeneration - Small Power
Production
Tariff

Mr. Cramer: I move the Commission suspend Otter Tail Power Company's updated Cogeneration and Small Power Production Rates, Case No. PU-10-671.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-16
Columbia Grain International, Inc.
Facility-Based Grain Buyer
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-16 granting the request of Columbia Grain International, Inc., Portland, Oregon to discontinue business as a facility-based grain buyer at Arvilla, Larimore, Crystal, Valley City, Oakes, and Crete, North Dakota and ordering that business at Arvilla, Larimore, Crystal, Valley City, Oakes, and Crete, North Dakota is discontinued.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-14
Columbia Grain, Inc.
Facility-Based Grain Buyer
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-11-14 granting the request of Columbia Grain, Inc., Portland, Oregon to operate as a facility-based grain buyer at Arvilla, Larimore, Crystal, Valley City, Oakes, and Crete, North Dakota

Mr. Cramer: 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

Mr. Clark: I move the Commission adopt the Order Granting Certificates of public convenience and necessity to Otter Tail Power Company and Northern States Power Company to construct and operate the North Dakota segment of a proposed 345 kV electric transmission line from Monticello Minnesota 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."

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

Case No. PU-10-668
South Heart Energy Development, LLC
175 mW South Heart Project –
Stark County
Siting Application

Mr. Clark: I move the Commission acknowledge the Letter of Intent and assess a filing fee of \$100,000 due upon filing an application in Case No. PU-10-668, South Heart Energy Development, LLC's proposed 175 MW integrated gasification combined cycle electric power generating facility in Stark County, North Dakota.

Mr. Cramer: 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 issue a Notice of Hearing for the formal hearing that has been requested on the decision to approve Bond Release No. 7 to Surface Coal Mining Permit No. BNCR-8106, held by BNI Coal, Ltd. for the Center Mine.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-71
Coteau Properties Company
Revision No. 8 to Permit NACT-0201
Approval

Mr. Cramer: I move the Commission approve Revision No. 8 to Surface Coal Mining Permit No. NACT-0201, held by Coteau Properties Company for the Freedom Mine, to extend mining onto some of the federal coal tracts within the existing permit area and to update other information and mining and reclamation plans in the permit.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-77
South Heart Coal LLC
Permit No. SHSH - 1001
Application

Mr. Cramer: I move the Commission acknowledge that Surface Coal Mining Permit Application SHSH-1001, filed by South Heart Coal, LLC, has been deemed complete by staff and issue notices for receipt of this permit application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-657
Northern States Power Company
Electric Rate Increase
Application

Mr. Cramer: I move the Commission retain Mitchell D. Armstrong to provide legal services to the Commission as advocacy staff counsel in Case No. PU-10-657, Northern States Power Company Electric Rate Increase Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-657
Northern States Power Company
Electric Rate Increase
Application

Mr. Cramer: I move the Commission appoint Mike Diller, Chris Marohl and Mark Gruman as advocacy staff in Northern States Power Company's Electric Rate Increase Application, Case No. PU-10-657.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-104
VeraSun Hankinson, LLC
Grain Warehouse
Insolvency

Mr. Clark: I move the Commission authorize Counsel to execute and file with the United States Bankruptcy Court for the District of Delaware, a Motion for Order Modifying Stipulation and Agreed Order, or Alternatively, For Relief from Automatic Stay in In re: VeraSun Energy Corporation, et al., Bankruptcy Case No. 08-12606 (BLS), VeraSun Hankinson, LLC, Grain Warehouse, Insolvency Case No. GE-09-104.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:32 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN

