

March 9, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 9, 2011, 10:00 a.m. Present was Commissioner Kalk. Commissioner Clark and Commissioner Cramer participated by telephone and authorized their Administrative Assistants to sign contracts and orders on their behalf.

Minutes

Mr. Kalk: I move the minutes of February 23, 2011 be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-527
South Heart Coal LLC
500 MW Generating Station
Siting Application

Mr. Kalk: I move the Commission acknowledge the withdrawal by South Heart Coal LLC of its August 18, 2005 Letter of Intent to construct a 500 MW lignite-fired electric generating facility in Stark County, North Dakota, Case No. PU-05-527.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-52
South Heart Coal LLC
Gas Manufacturing Plant –
Stark County
Siting Application

Mr. Kalk: I move the Commission acknowledge the withdrawal by South Heart Coal LLC of its January 23, 2008 Letter of Intent to construct a 100 million standard cubic feet per day coal-to-synthetic natural gas production facility in Stark County, North Dakota, Case No. PU-08-52.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-666
Bear Paw Energy, LLC
Gas Processing Plants –
Williams County
Siting Application

Mr. Kalk: I move the Commission amend the filing fee from \$71,000 to \$100,000 based upon Bear Paw Energy, LLC's amended letter of intent and its application for Certificate of Site Compatibility for the construction of Stateline 1 and Stateline 2 gas processing plants in Williams County, North Dakota, Case No. PU-10-666.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-28
Columbus
2011 Phase 12 Construction
Project

Mr. Kalk: I move the Commission award a contract to ACR Consultants, Inc. to conduct a cultural resource survey of the areas to be affected by the 2011 Columbus Phase 11 and Phase 12 AML construction projects.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-29
Columbus
2011 Phase 11 Construction
Project

Case No. PU-10-164
Montana-Dakota Utilities Co.,
a Division of MDU
230kV Transmission Line –
McIntosh & Dickey Cty
Siting Application

Mr. Clark: I move the Commission deem the application 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 application of Montana-Dakota Utilities Co. for a waiver of procedures and time schedules, a corridor certificate and a route permit to construct approximately 30 miles of 230 kV electric transmission line and associated facilities in McIntosh & Dickey Counties of North Dakota, Case No. PU-10-164.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-57
Allete, Inc.
Bison 2 Wind Project –
Oliver-Morton Counties
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 two months, and assess a filing fee of \$80,000 due upon filing an application in Case No. PU-11-57, Allete, Inc.'s proposed 105 MW Bison 2 Wind Project in Oliver and Morton Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-69
Meadowlark Wind I, LLC
New Frontier Wind Energy Project -
McHenry County
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 three months, and assess a filing fee of \$90,000 due upon filing an application in Case No. PU-11-69, Meadowlark Wind I, LLC's proposed 99 MW wind energy conversion facility in McHenry County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-327
Organic Grain and Milling, Inc.
Grain Warehouse
Insolvency

HOLD OVER

Case No. GE-11-50
Flasher Farmers Union Grain & Oil
License No. 1063 - Flasher, ND
Suspension / Revocation

Mr. Clark: I move the Commission, issue the Order Reinstating Warehouse License Number 1063 of Flasher Farmers Union Grain & Oil at their Flasher, North Dakota warehouse, effective March 2, 2011 in Case No. GE-11-50.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-75
Crete Grain Co., Inc.
License No. 1134 - Oakes, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-75 cancelling warehouse license number 1134 issued to Crete Grain Co., Inc. at Oakes, North Dakota and ordering that business at Oakes, North Dakota is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-589
Montana-Dakota Utilities Co.,
a Division of MDU
Manufactured Gas Plant Cost
Recovery
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co. Application for authority to recover costs related to the manufactured gas plant remediation work completed on the Southeast corner of the intersection of South 10th Street and East Front Avenue in the City of Bismarck, North Dakota, Case No. PU-10-589.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-65
Qwest Corporation
Fargo Rate Center
Numbering Resources

Mr. Kalk: I move the Commission adopt the Order granting Qwest Corporation's request for a block of 10,000 numbers in the Fargo rate center, Case No. PU-11-65.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-164
Montana-Dakota Utilities Co.,
a Division of MDU
230kV Transmission Line –
McIntosh & Dickey Cty
Siting Application

Mr. Cramer: I move the Commission acknowledge the retention of Mitchell D. Armstrong to provide legal services to the Commission in Case No. PU-10-164, Montana-Dakota Utilities Co.'s application to construct a 230 kV transmission line in McIntosh and Dickey Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-637
Rangeland Energy, LLC
Crude Oil Pipeline – Williams County
Siting Application

Mr. Cramer: I move the Commission acknowledge the retention of Mitchell D. Armstrong to provide legal services to the Commission in Case No. PU-10-637, Rangeland Energy, LLC's application to construct a crude oil pipeline in Williams County, North Dakota

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-637
Rangeland Energy, LLC
Crude Oil Pipeline – Williams County
Siting Application

Mr. Cramer: I move the Commission acknowledge the appointment of Allen Hoberg, Director, Office of Administrative Hearings to serve as substantive hearing officer in Rangeland Energy, LLC's application to construct a crude oil pipeline in Williams County, North Dakota, Case No. PU-10-637.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-666
Bear Paw Energy, LLC
Gas Processing Plants –
Williams County
Siting Application

Mr. Cramer: I move the Commission acknowledge the retention of Mitchell D. Armstrong to provide legal services to the Commission in Case No. PU-10-666, Bear Paw Energy, LLC's application to construct gas processing plants in Williams County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:37 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN