

May 18, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 18, 2011, 10:00 a.m. Present were Commissioners Kalk and Cramer. Commissioner Clark participated by telephone and authorized his administrative assistant to sign orders on his behalf.

Minutes

Mr. Cramer: I move the minutes of May 5, 13, 2011 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-145
Ronald R. Kirby, Jr.
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Ronald R. Kirby, Jr., Alvaton, Kentucky.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-146
Maas Companies Inc
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Maas Companies, Inc., Rochester, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-169
Basin Electric Power Cooperative
230 kV Transmission Line/
Stark to Bowman Ctys
Siting Application

Mr. Cramer: I move the Commission approve Basin Electric Power Cooperative's Tree and Shrub Replacement Plan for its 230 kV Belfield to Rhame electric transmission line in Bowman, Hettinger, Slope and Stark Counties of North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-657
Northern States Power Company
2011 Electric Rate Increase
Application

WITHDRAWN

Case No. PU-11-55
Northern States Power Company
2012 Electric Rate Increase
Application

Case No. PU-07-759
Northern States Power Company
Fargo-Monticello MN 345 KV CapX
Transmission Line
Siting Application

Mr. Clark: I move the Commission deem the application complete and issue a Notice of Filing and Notice of Hearing in the application of Northern States Power Company requesting a certificate of corridor compatibility for a new Fargo to St. Cloud MN 345 kV electric transmission line in Cass and Richland Counties of North Dakota, Case No. PU-07-759.

Mr. Cramer: 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 issue a Notice of Hearing in Otter Tail Power Company's application for advance determination of prudence for its participation in certain CapX2020 Group 1 projects, Case No. PU-09-676; and in Northern States Power Company's application for advance determination of prudence for its participation in certain CapX2020 Group 1 projects, Case No. PU-09-678.

Mr. Cramer: 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

Case No. PU-11-57
Allete, Inc.
Bison 2 Wind Project –
Oliver-Morton Counties
Siting Application

Mr. Clark: I move the Commission deem the application complete conditioned on filing of final turbine locations by June 30, 2011 and issue a Notice of Filing and Notice of Hearing in Case No. PU-11-57, Allete, Inc.'s application for a certificate of site compatibility to construct a proposed 105 MW Bison 2 Wind Project in Morton and Oliver Counties, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-139
Hettinger Co-op Equity Exchange
License No. 408 - Hettinger, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-139 cancelling warehouse license number 408 issued to Hettinger Co-op Equity Exchange at Hettinger, North Dakota and ordering that business at Hettinger, North Dakota is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-138
CHS, Inc.
Facility-Based Grain Buyer –
Hettinger, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-11-138 granting the request of CHS, Inc., St. Paul, Minnesota, to operate a 688,000-bushel grain warehouse at Hettinger, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-78
Montana-Dakota Utilities Co.,
a Division of MDU
Margin Sharing Adjustment
Rates

Mr. Kalk: I move the Commission suspend Montana-Dakota Utilities Co.'s proposed Margin Sharing Adjustment, Case No. PU-11-78.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-135
Telecommunications Relay Service
Misc. Case

Mr. Kalk: I move the Commission publish notice of the 2011-2012 Telecommunications Relay Service Surcharge in the daily newspapers of general circulation in the state of North Dakota, Case No. PU-11-135.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-613
Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project –
Williams, Mountrail, Ward
Siting Application

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility No. 119 and Route Permit No. 129 to Enbridge Pipelines (North Dakota) LLC for the construction of a crude oil pipeline and associated facilities located in Williams, Mountrail and Ward Counties of North Dakota, Case No. PU-10-613.

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 adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility for Energy Conversion Facility No. 22 in the request of Bear Paw Energy, LLC for the construction and operation of two 100 million standard cubic feet per day gas processing plants in Williams County, North Dakota, Case No. PU-10-666.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-27
Beulah/Zap
2011 Phase 12 Construction
Project

Mr. Cramer: I move the Commission award a contract to GEOSERV, INC. of Bismarck, ND, in the amount of \$42,750.00 for material testing and other services for the Beulah/Zap Phase 12 Abandoned Mine Lands reclamation project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-27
Beulah/Zap
2011 Phase 12 Construction
Project

Mr. Cramer: I move the Commission award a contract to B & C Concrete Pumping, Inc. of Williston, ND, in the amount of \$1,104,850.00 for drilling and pressurized grouting at the Beulah/Zap Phase 12 Abandoned Mine Lands reclamation project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-25
BNI Coal, Ltd.
Revision 30 to Permit BNCR - 9702
Approval

Mr. Cramer: I move the Commission conditionally approve Revision No. 30 to Surface Coal Mining Permit No. BNCR-9702 held by BNI Coal, Ltd. for the Center Mine to add 676.48 acres to the permit and to update the appropriate sections of the permit to reflect mining in the additional acreage, and further move to approve the stipulation to increase the amount and acreage of Collateral Bond CB-9702-2.

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. Cramer: I move the Commission retain Mitchell D. Armstrong to provide legal services to assist the Commission in processing Case No. PU-11-57, Allete, Inc., Bison 2 Wind Project - Oliver/Morton Counties, Siting Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Probationary Period Salary
Adjustment

Mr. Cramer: I move the approval of a salary increase effective April 28, 2011 for the employee in Position No. 5029, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth in the Commission's October 13, 2010 offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:54 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN