

June 8, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on June 8, 2011, 10:00 a.m. Present were Commissioners Clark, Kalk and Cramer.

Minutes

Mr. Cramer: I move the minutes of May 18, 2011 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-167  
Jack L. Lowderman  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Jack L. Lowderman, Macomb, Illinois.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-168  
Jack L. Lowderman  
Auction Clerk  
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Jack L. Lowderman, Macomb, Illinois.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-169  
Gene L. Lindsey  
Auction Clerk  
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Gene L. Lindsey, Williston, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-174  
Joshua Joseph Moch  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Joshua Joseph Moch, Napoleon, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-175  
Kelly Klein  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Kelly Klein, LaMoure, 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

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

Mr. Cramer: Believing that there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law and fact, I move the Commission consolidate for hearing Northern States Power Company, 2011 Electric Rate Increase, Application, Case No. PU-10-657 and Northern States Power Company, 2012 Electric Rate Increase, Application, Case No. PU-11-55, under North Dakota Administrative Code section 69-02-04-04. For purposes of this motion, consolidation has the meaning stated in the Hearing Officer's May 21, 2011, order.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-83  
Otter Tail Power Company  
South Dakota Department of  
Transportation  
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 the South Dakota Department of Transportation at a location in Richland County, North Dakota, Case No. PU-11-83.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-153  
Otter Tail Power Company  
Trans. Facility Cost Recovery &  
2011 Rate Adjust.  
Tariff

Mr. Cramer: I move the Commission suspend Otter Tail Power Company's proposed Transmission Facility Cost Recovery and 2011 Rate Adjustment, Case No. PU-11-153.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-156  
Otter Tail Power Company  
Minnewaukan Public School –  
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 the Minnewaukan Public School at a location in Benson County, North Dakota, Case No. PU-11-156.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-10-602  
City of Granville  
Gas Pipeline Safety  
Violation

Mr. Cramer: I move the Commission extend to from June 6, 2011 to July 12, 2011 the deadline to file documents required by the Commission's May 5, 2011 Order on Probable Violations concerning gas pipeline safety for the City of Granville's liquefied petroleum gas (LPG) distribution facility in Granville, North Dakota, Case No. GS-10-602.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission acknowledge Rangeland Energy, LLC's letter amending information with respect to its proposed crude oil pipeline in Williams County, North Dakota, and amend the filing fee from \$75,000 to \$100,000 based upon that letter, Case No. PU-10-637.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-932  
enXco Development Corporation  
Merricourt Wind Power Project  
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 23 to enXco Development Corporation to authorize construction of its proposed 150 MW Merricourt Wind Power Project in Dickey and McIntosh Counties of North Dakota, Case No. PU-08-932.

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 file the Report and Recommendation of Trustee with District Court, recommending that the Commission's expenses be paid as provided by state law in VeraSun Hankinson, LLC, Grain Warehouse, Insolvency, Case No. GE-09-104.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-162  
Allete, Inc.  
Bison 3 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 one month, and assess a filing fee of \$80,000 due upon filing an application in Case No. PU-11-162, Allete, Inc.'s proposed 105 MW Bison 3 Wind Project in Oliver and Morton Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-124  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Electric Rate Increase  
Application

Mr. Kalk: I move the Commission adopt the Order on Settlement in Montana Dakota Utilities Co.'s electric rate increase application, Case No. PU-10-124.

Mr. Clark: I second the motion.

Roll Call: Mr. Clark votes "Aye."

Mr. Kalk votes "Aye."

Mr. Cramer vote "Nay."

Substitute Motion:

Mr. Cramer: I move the Commission adopt the Order on Settlement in Montana-Dakota Utilities Co.'s electric rate increase application approving the June 16, 2010, November 8, 2010 and March 15, 2011 Settlement Agreements excluding the Diamond Willow I and Diamond Willow II wind projects, Case No. PU-10-124.

Mr. Clark: I second the motion.

Roll Call: Mr. Clark votes "Nay."

Mr. Kalk votes "Nay."

Mr. Cramer votes "Aye."

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

Mr. Cramer: I move the Commission award a contract to Gary Morlock Construction, Inc. of Bismarck, ND in the amount of \$922,416.00 for the Columbus Phase 12 Abandoned Mine Lands reclamation project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission award a contract to Kern & Tabery, Inc. of Wadena, MN in the amount of \$1,731,210.20 for the Columbus Phase 11 Abandoned Mine Lands reclamation project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustments

Mr. Cramer: I move the Commission grant a work load adjustment retroactive to May 1, 2011 to the employee occupying position 5027 and an equity adjustment retroactive to May 1, 2011 for the employee occupying position 5003 as specified in the accounting/budget specialist's written summary of the Commission's May 25, 2011 work session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Acknowledgement Forms

Mr. Cramer: I move the Commission adopt the June 8, 2011 acknowledgement forms for use with and incorporation into the Commission's Policy Manual effective June 8, 2011.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

New Hire

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Randy L. Kowalski to fill Position No. 27940, Environmental Scientist III, effective June 6, 2011, under the terms specified in the May 9, 2011 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:27 P.M.

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Executive Secretary

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TONY CLARK, CHAIRMAN