

July 27, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 27, 2011, 10:00 a.m. Present were Commissioners Clark, Kalk and Cramer.

Minutes

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

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-30
Otter Tail Power Company
Discontinue Prudence Big Stone II
Application

Mr. Cramer: I move the Commission approve Otter Tail Power Company's new Big Stone II Cost Recovery rates, Case No. PU-10-30.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-451
Nevin Dahl
Roving Grain Buyer –
Watford City, ND
Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-11-451 cancelling roving grain buyer license number 3169 issued to Nevin Dahl, Watford City, North Dakota 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-11-452
Roehl Transfer, Inc.
dba Heil Grain & Feed
Roving Grain Buyer –
New Leipzig, ND
Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-11-452 cancelling roving grain buyer license number 3024 issued to Roehl Transfer dba Heil Grain & Feed, New Leipzig, North Dakota 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-11-455
LDC Holding Inc.
Roving Grain Buyer –
Minneapolis, MN
Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-11-455 cancelling roving grain buyer license number 3170 issued to LDC Holding Inc., Minneapolis, Minnesota 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-11-457
Renee E Miller
Roving Grain Buyer –
Brandon, South Dakota
Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-11-457 cancelling roving grain buyer license number 3027 issued to Renee E. Miller, Brandon, South Dakota 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-11-499
Schulz Grain & Trading Co Inc
Roving Grain Buyer –
Great Falls, MT
Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-11-499 cancelling roving grain buyer license number 3048 issued to Schultz Grain & Trading Co. Inc., Great Falls, Montana 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-11-500
Mitchell Feeds, Inc.
Roving Grain Buyer - Fargo, ND
Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-11-500 cancelling roving grain buyer license number 3159 issued to Mitchell Feeds, Inc., Fargo, North Dakota 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. PU-11-192
Otter Tail Power Company
Leon Backer - 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 Leon Backer at a location in Richland County, North Dakota, Case No. PU-11-192.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-340
Consolidated Telcom /
West River Telecom
Mott / Elgin
Exchange Boundary Agreement

Mr. Cramer: I move the Commission approve a change in the exchange boundary between Consolidated Telcom's Mott exchange and West River Telecom's Elgin exchange and grant authority for Consolidated Telecom to provide telecommunications services to Chad and Shelly Hoherz from the Mott exchange in Hettinger County, North Dakota, Case No. PU-11-340.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-422
Montana-Dakota Utilities Co.,
a Division of MDU
Chris Morrell, Morton County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Chris Morrell at a location in Morton County, North Dakota, Case No. PU-11-422.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-497
2011 Maintenance
Project

Mr. Cramer: I move the Commission approve the award of a contract to Material Testing Services, LLC, in the amount of \$2,000 to conduct structural surveys of a home in the Scenic East Subdivision near Williston.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-453
New Salem Farmers Union Elev Co
License No. 452 - New Salem, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-453 granting the request of New Salem Farmers Union Elev Co to discontinue business at New Salem, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-235
CHS, Inc.
Facility-Based Grain Buyer –
New Salem, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-11-235 granting the request of CHS, Inc., St. Paul, Minnesota, to operate as a facility-based grain buyer at New Salem, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-454
Rugby Farmers Union Elevator
Company
License No. 665 - Towner, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-454 granting the request of Rugby Farmers Union Elevator Company to discontinue business at Towner, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-496
Trinidad Benham Corp.
Grain Warehouse
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-496 granting the request of Trinidad Benham Corp., Denver, Colorado, to discontinue business at Cummings, Courtenay, and Pillsbury, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-498
Trinidad Benham Corp.
Facility-Based Grain Buyer
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-11-498 granting the request of Trinidad Benham Corp., Denver, Colorado, to operate as a facility-based grain buyer at Pillsbury and Courtenay, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-456
Dakota Quality Grain Cooperative
License No. 885 - Stanley, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-456 granting the request of Dakota Quality Grain Cooperative, Parshall, North Dakota, to discontinue business at Stanley, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-464
Country Grain Cooperative, Inc.
License No. 1208 - Windsor, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-464 granting the request of Country Grain Cooperative, Inc., Eldridge, North Dakota, to discontinue business at Windsor, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-458
Dakota Dry Bean, Inc.
Grain Warehouse - Devils Lake, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-11-458 granting the request of Dakota Dry Bean, Inc. to operate a 9,234-bushel grain warehouse at Devils Lake, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-163
Montana-Dakota Utilities Co.,
a Division of MDU
Advance Determination of Prudence -
Big Stone Air
Application

Mr. Clark: I move the Commission issue a Notice of Filing and Notice of Intervention Deadline in Montana-Dakota Utilities Company's application for advance determination of prudence for its portion of the Big Stone air quality control system project, Case No. PU-11-163, and in Otter Tail Power Company's application for advance determination of prudence for its portion of the Big Stone air quality control system project, Case No. PU-11-165.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-165
Otter Tail Power Company
Advance Determination of Prudence -
Big Stone Air
Application

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 approve the Order in Montana-Dakota Utilities Co.'s Amended Application for authority to defer and amortize 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. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-10-579
Falkirk Mining Company
Revision 20, Permit NA FK-9503
Approval

Mr. Cramer: I move the Commission conditionally approve Revision No. 20 to Surface Coal Mining Permit No. NAFK-9503, held by the Falkirk Mining Company, to add 16,924.1 acres to the permit, update the legal and business entity information, and adds baseline resource information and mining and reclamation plans for the added acreage. I also move the approval of self and collateral bond documents that increase the bond amount and bond area for the consolidated bond area at the Falkirk Mine.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-66
Bear Paw Energy, LLC
Garden Creek to Riverview NGL
Pipeline, McKenzie
Siting Application

Mr. Cramer: I move the Commission deem the applications complete and issue a Notice of Filing and Notice of Hearing in the request of Bear Paw Energy, LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit for the construction of approximately 63 miles of natural gas liquids pipeline in McKenzie County, North Dakota, Case No. PU-11-66.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-101
Dakota Westmoreland Corporation
Revision No. 24, Permit KRSB-8603
Approval

Mr. Cramer: I move the Commission conditionally approve Revision No. 24 to Surface Coal Mining Permit No. KRSB-8603, held by the Dakota Westmoreland Corporation, to identify the next five-year coal removal subareas and to update other information and mining and reclamation plans for the next five-year permit term.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-115
Dakota Westmoreland Corporation
Renewal No. 5, Permit KRSB-8603
Approval

Mr. Cramer: I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. KRSB-8603, held by the Dakota Westmoreland Corporation, to extend the permit term on the existing permit area for another five years, until August 7, 2016.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-86
New Cingular Wireless PCS, LLC
Designated Eligible Carrier
Application

Mr. Cramer: I move the Commission bill New Cingular Wireless PCS, LLC for costs incurred to date in Case No. PU-11-86, New Cingular Wireless PCS, LLC, Designated Eligible Carrier, Application, Case No. PU-11-86.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-218
BakkenLink Pipeline, LLC
Crude Oil Pipeline,
Williams to Billings Counties
Siting Application

Mr. Cramer: I move the Commission request legal assistance from the Office of the Attorney General in Case No. PU-10-218, BakkenLink Pipeline, LLC's application to construct a crude oil pipeline, Williams to Billings Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-66
Bear Paw Energy, LLC
Garden Creek to Riverview NGL
Pipeline-McKenzie County
Siting Application

Mr. Cramer: I move the Commission deem the applications complete and issue a Notice of Filing and Notice of Hearing in the request of Bear Paw Energy, LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit for the construction of approximately 63 miles of natural gas liquids pipeline in McKenzie County, North Dakota, Case No. PU-11-66.

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. Cramer: I move the Commission retain Mitchell D. Armstrong to provide legal services to assist the Commission in processing Case No. PU-11-162, Allete, Inc., Bison 3 Wind Project – Oliver and Morton Counties, Siting Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-498
Grabanski Grain, LLC
Grain Warehouse
Insolvency

Mr. Cramer: I move the Commission convene an executive session to discuss legal representation for an insolvency matter currently in litigation, PSC v. Grabanski Grain, LLC, Grain Warehouse Insolvency, Case No. GE-10-498.

Mr. Kalk: I second the motion.

Roll Call: Mr. Clark votes "Aye."

Mr. Kalk votes "Aye."

Mr. Cramer votes "Aye."

The Public Service Commission recessed the administrative matters meeting at 11:21 a.m. and reconvened the administrative matters meeting at 11:28 a.m. and adjourned at 11:29 a.m.

ATTEST

THE COMMISSION ADJOURNED AT 11:29 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN