

August 24, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 24, 2011, 10:00 a.m. Present were Commissioners Clark, Kalk and Cramer.

Minutes

Mr. Cramer: I move the minutes of August 10, 19, 2011 be approved.

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

WITHDRAWN

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

Case No. GE-11-511  
Bunge North America, Inc.  
Roving Grain Buyer - St. Louis, MO  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application in Case No.

GE-11-511 for Bunge North America, Inc., St. Louis, Missouri, effective immediately

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-548  
EGT, LLC  
License Renewal Year 2011  
Annual Activity

Mr. Cramer: I move the Commission approve the roving grain buyer license application in Case No. GE-11-511 for EGT, LLC, Portland, Oregon, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-554  
Tony Langdon  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Tony Langdon, Aubrey, Texas.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-555  
James O. Sabe  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for James O. Sabe, Bowman, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-396  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Certificate of Public Convenience  
and Necessity  
Application

Mr. Cramer: I move the Commission impose a filing fee of \$125,000 regarding the application of Montana-Dakota Utilities, Co. for a certificate of public convenience and necessity for an 88 MW combustion turbine, Case No. PU-11-396.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-501  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Scott Kueffler - Williams 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 Scott Kueffler at a location in Williams County, North Dakota, Case No. PU-11-501.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-542  
Otter Tail Power Company  
East Devils Lake Outlet Pumping  
Station  
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 East Devils Lake Outlet Pumping Station at a location in Benson County, North Dakota, Case No. PU-11-542.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-545  
Otter Tail Power Company  
Jason Mongeon - McHenry 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 Jason Mongeon at a location in McHenry County, North Dakota, Case No. PU-11-545.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-750  
Bridger Pipeline LLC  
Crude Oil Pipeline -  
McKenzie, Dunn, Billings  
Siting Application

Mr. Cramer: I move the Commission approve Bridger Pipeline LLC's Four Bears Pipeline Tree/Shrub Mitigation plan filed August 11, 2011 in Case No. PU-09-750.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-520  
Riverside Communications, Inc.  
dba Great Northern  
Grain Warehouse - Plaza, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-11-520 granting the request of Riverside Communications, Inc. dba Great Northern Ag to operate a 26,000-bushel grain warehouse at Plaza, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-395  
Montana-Dakota Utilities Co.,  
a Division of MDU Resources  
Group, Inc.  
Advance Determination of Prudence  
Application

Mr. Cramer: I move the Commission appoint Mike Diller, Mark Gruman and Christopher Marohl as advocacy staff in Montana-Dakota Utilities Company's application for advance determination of prudence concerning its 88 MW simple cycle combustion turbine project, Case No. PU-11-395.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-554  
Hiland Operating, LLC  
6-Inch Natural Gas Liquids Pipeline  
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-10-554, Hiland Operating, LLC, 6-inch Natural Gas Liquids Pipeline, Siting Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-99  
Arrow Field Services, LLC  
4 Bears to CDP Connect Project -  
McKenzie County  
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-11-99, Arrow Field Services, LLC, 4 Bears to CDP Connect Project, McKenzie County, Siting Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-102  
Whiting Oil and Gas Corporation  
Crude Oil Pipeline - Billings and Stark  
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-11-102, Whiting Oil and Gas Corporation, Crude Oil Pipeline, Billings and Stark Counties, Siting Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Retirement - Weights and Measures  
Inspector

Mr. Cramer: I move the Commission acknowledge the retirement of Phyllis Richter effective September 8, 2011.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Data Cell Plan Policy

Mr. Clark: I move the Commission adopt Policy 6-01-11 (0), Data Plan for Personal Devices. I further move that Policy 6-01-11 (0) be incorporated into the revised policy manual conditioned on and effective when the revised policy manual is formally adopted by the Commission.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

**PUBLIC SERVICE COMMISSION**

**DATA PLAN FOR PERSONAL DEVICES**

Policy 6-01-11 (0)

**A. PURPOSE**

This policy is intended to both economize and augment communication systems utilized by the Commission. Within budget constraints, the policy will allow for reimbursement of a data plan on a personal device, not to exceed \$30.00 per month, in lieu of issuing a Commission provided communication device.

**B. DEFINITIONS**

“Data Plan” is a plan to allow data transfer over cellular networks supporting smart device functionality, and does not include voice plans.

**C. POLICY**

1. The Commission is under no obligation to provide data plan reimbursement.
2. Individuals identified by the Technology Director, requiring advanced communications to support agency business requirements, may be reimbursed for data plans on personal devices.
3. An employee who qualifies and requests reimbursement for a data plan must complete and sign the Commission's Data Plan for Personal Devices Policy and submit the original to the Technology Director.
4. The determination of communication requirements and applicability for

Data Cell Plan Policy Cont'd

reimbursement will be at the discretion of the Technology Director after consultation with the Accounting Manager. A completed and approved request will be filed with the Accounting Manager.

5. The Commission will not purchase or reimburse employees for the cost of the personal device, under this policy, or be responsible for reimbursing data plans, if business needs no longer require advanced communications.
6. A data plan service reimbursed under this policy cannot be used for any activities, if viewed by the public, which would reflect poorly on the Commission. Additionally, use for any for-profit business activity is also prohibited.

D. GUIDANCE

Upon approval, an employee will request reimbursement on monthly expense reimbursement vouchers, including the summary page of their cell phone bill itemizing charges (including the data plan). This can be done on a quarterly or semi-annual basis within the biennium the services are provided.

E. APPLICABILITY: Commissioners and Commission employees.

F. EFFECTIVE DATE: [To be determined]

G. NON-COMPLIANCE: Loss of data plan privileges and possible disciplinary actions.

H. EXPLANATORY NOTE:

I. REVISION DATES: None

Data Cell Plan Policy Cont'd

ACCEPTANCE:

By accepting this agreement I have read and I understand the terms and conditions of this policy in exchange for accepting reimbursement. I understand the purpose is to increase access to employees outside of normal business hours and to use professional judgment when determining availability.

x \_\_\_\_\_  
Employee Signature

x \_\_\_\_\_  
Accounting Review

x \_\_\_\_\_  
Technology Director

REFERENCES

(0) PSC Minutes August 24, 2011

ATTEST

THE COMMISSION ADJOURNED AT 10:45 A.M.

\_\_\_\_\_  
Executive Secretary

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TONY CLARK, CHAIRMAN