

September 7, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 7, 2011, 10:00 a.m. Present were Commissioners Clark, Kalk and Cramer.

Minutes

Mr. Cramer: I move the minutes of August 24, 25, 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

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 Montana-Dakota Utilities Co., Advance Determination of Prudence, Big Stone Air, Application, Case No. PU-11-163 and Otter Tail Power Company, Advance Determination of Prudence, Big Stone Air, Application, Case No. PU-11-165, 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 September 6, 2011, order.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-550
Technology Crops, Inc.
Roving Grain Buyer –
Winston-Salem, NC
Discontinue Business

Mr. Cramer: I move the Commission adopt an order in Case No. GE-11-550 cancelling roving grain buyer license number 3094 issued to Technology Crops, Inc., Winston-Salem, North Carolina 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-11-551
Technology Crops LLC dba
Technology Crops Intl
Roving Grain Buyer –
Winston-Salem, NC
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application in Case No. GE-11-551 for Technology Crops Limited Liability Company doing business as Technology Crops International, Winston-Salem, North Carolina, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-553
Harrold Terminal LLC
Roving Grain Buyer - Harrold, SD
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application in Case No. GE-11-553 for Harrold Terminal LLC, Harrold, South Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-570
Cody Lowderman
Auctioneer
License Application

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

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-571
Cody Lowderman
Auction Clerk
License Application

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

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-572
LaDon Henslin
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for LaDon Henslin, Bird Island, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-573
Allen J. Henslin
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Allen J. Henslin, Bird Island, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-574
Steve N. Simon
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Steve N. Simon, Groton, South Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-575
Steve N. Simon
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Steve N. Simon, Groton, South Dakota.

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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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. PU-11-558
Montana-Dakota Utilities Co.,
a Division of MDU 2
Cogeneration/Small Power Producer
Rates

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s revisions to its Cogeneration/Small Power Producer rate schedules, Case No. PU-11-558.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification
Approval

Mr. Cramer: I move the Commission approve blaster recertification for the following applicants:

No.	Applicant	Affiliation	Certificate No.
1.	Myron Stern	Freedom Mine	85-12-089-R(9)
2.	David Blohm	Freedom Mine	05-10-277-R(2)
3.	Victor J. Woeste	Freedom Mine	85-12-086-R(9)
4.	Michael Morris	Freedom Mine	85-12-095-R(9)

Mr. Kalk: 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, Wa
Siting Application

Mr. Cramer: I move the Commission acknowledge the August 22, 2011 staff approval of Enbridge Pipeline (North Dakota) LLC's August 16, 2011 request for a route deviation for its Beaver Lodge Loop Project, Case No. PU-10-613.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-670
Minnkota Power Cooperative, Inc.
345 kV Transmission Line –
Center to Grand Forks
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility for Transmission Facility No.121 to Minnkota Power Coop, Inc. for its proposed 345 kV electric transmission line from Center to Grand Forks, North Dakota, Case No. PU-09-670.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-549
Technology Crops, Inc.
Grain Warehouse
Discontinue Business

Mr. Clark: I move the Commission adopt an order in Case No. GE-11-549 cancelling warehouse license numbers 1161 and 1231 respectively issued to Technology Crops, Inc., Winston-Salem, North Carolina at Wimbleton and Pingree, North Dakota and ordering that business at Wimbleton and Pingree is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-547
Technology Crops LLC, dba
Technology Crops Intl
Grain Warehouse
License Application

Mr. Clark: I move the Commission adopt an order in Case No. GE-11-547 granting the request of Technology Crops Limited Liability Company doing business as Technology Crops International to operate an 878,000-bushel grain warehouse at Wimbledon, North Dakota and a 916,000-bushel grain warehouse at Pingree, North Dakota, effective immediately.

Mr. Cramer: 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 Consolidated Hearing in Montana-Dakota Utilities Co.'s application for advance determination of prudence for Big Stone Generating Plant air quality control equipment, Case No. PU-11-163, and Otter Tail Power Company's application for advance determination of prudence for Big Stone Generating Plant air quality control equipment, Case No. PU-11-165, under North Dakota Administrative Code section 69-02-04-04.

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-11-395
Montana-Dakota Utilities Co.,
a Division of MDU
Advance Determination of Prudence -
88 MW Turbine
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 investment in an 88 megawatt simple cycle combustion turbine to be located adjacent to MDU's Heskett Generating Station near Mandan, North Dakota, Case No. PU-11-395, and in Montana-Dakota Utilities Company's application for a certificate of public convenience and necessity for the same 88 megawatt simple cycle combustion turbine, Case No. PU-11-396.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-396
Montana-Dakota Utilities Co.,
a Division of MDU
88 MW Combustion Turbine
Public Convenience & Necessity

Case No. PU-11-344
MDU / Mountrail-Williams Electric Coop
Williston Area
Service Area Agreement

Case No. PU-11-374
Montana-Dakota Utilities Co.,
a Division of MDU
Williston Area - Service Area
Agreement
Public Convenience & Necessity

Case No. PU-10-476
USF Use Certification 47 CFR 54.314
(2011)
Compliance

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

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

Mr. Kalk: I move the Commission adopt the Order Approving Electric Service Area Agreement in the joint application of Montana-Dakota Utilities Co. and Mountrail-Williams Electric Cooperative for approval of a service area agreement and the resulting issuance of a certificate of public convenience and necessity to establish locations and designate service locations to be served by MDU and Mountrail-Williams within and around the City of Williston, North Dakota, Case No's. PU-11-344 and PU-11-374.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support for New Cingular Wireless PCS, LLC to receive federal universal services funding for the period beginning July 13, 2011 through December 31, 2011, Case No. PU-10-476.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Mr. Cramer: I move the Commission issue a Notice of Continued Hearing in the request of BakkenLink Pipeline, LLC for a waiver of procedures and time schedules, for a corridor certificate and a route permit for the construction of approximately 144 miles of crude oil pipeline in Billings, Dunn, McKenzie, Stark and Williams Counties, North Dakota, Case No. PU-10-218.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility No. 122 and Route Permit No. 131 to Bear Paw Energy, LLC for the construction of a 10-inch pipeline in McKenzie County, North Dakota for the transmission of natural gas liquids, Case No. PU-11-66.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-630
Plains Pipeline, L.P.
Crude Oil Pipeline - Williams County
Siting Application

Mr. Cramer: I move the Commission deem the applications complete and issue a Notice of Filings and Notice of Hearing in the request of Plains Pipeline, L.P. for waiver of procedures and time schedules, for a corridor certificate, and for a route permit for the construction of approximately 31.8 miles of 12-inch crude oil pipeline from its Trenton Station to the North Dakota / Montana boundary, all in Williams County, North Dakota, Case No. PU-10-630.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:20 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN