

February 9, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on February 9, 2011, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Cramer: I move the minutes of January 26, 2011 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Bills

Mr. Cramer: I move the following bills, as reviewed by the Commission, be approved and paid:

Alltel	585.93
ND Newspaper Association	280.64
Felhaber Larson Fenlon & Vogt	5,210.57
Leo Praus – 2/11 advance	491.00
OMB – 12/10 printing	21.00
Attorney General's Office	723.17
Office of Administrative Hearings	3,400.00
OMB – 12/10 postage	867.94
Surplus Property	69.00

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-52
Bret Ruff
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Bret Ruff, Steele, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-53
Touton USA LTD
Roving Grain Buyer - Carmel, IN
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application in Case No. GE-11-53 for Touton USA, Ltd., Carmel, Indiana, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-155
Montana-Dakota Utilities Co.,
a Division of MDU
2006 Electric Operations
Annual Report

Mr. Cramer: I move the Commission close Montana-Dakota Utilities Co.'s 2006 Electric Operations Annual Report, Case No. PU-07-155.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-166
Montana-Dakota Utilities Co.,
a Division of MDU
2007 Electric Operations
Annual Report

Mr. Cramer: I move the Commission close Montana-Dakota Utilities Co.'s 2007 Electric Operations Annual Report, Case No. PU-08-166.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-167
Montana-Dakota Utilities Co.,
a Division of MDU
2008 Electric Operations
Annual Report

Mr. Cramer: I move the Commission close Montana-Dakota Utilities Co.'s 2008 Electric Operations Annual Report, Case No. PU-09-167.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-135
Montana-Dakota Utilities Co.,
a Division of MDU
2009 Electric Operations
Annual Report

Mr. Cramer: I move the Commission close Montana-Dakota Utilities Co.'s 2009 Electric Operations Annual Report, Case No. PU-10-135.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-567
Montana-Dakota Utilities Co.,
a Division of MDU
Randy Neset - 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 Randy Neset at a location in Williams County, North Dakota, Case No. PU-10-567.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-615
Montana-Dakota Utilities Co.,
a Division of MDU
Whiting Oil & Gas Corporation –
Stark County
Public Convenience & Necessity

Mr. Cramer: I move the Commission approve the request of Montana-Dakota Utilities Co. to withdraw its application for a Certificate of Public Convenience and Necessity to extend electric service to Whiting Oil & Gas Corporation at a location in Stark County, North Dakota, Case No. PU-10-615.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-671
Otter Tail Power Company
Cogeneration - Small Power
Production
Tariff

Mr. Cramer: I move the Commission approve Otter Tail Power Company's updated Cogeneration and Small Power Production Rates, Case No. PU-10-671.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-36
Montana-Dakota Utilities Co.,
a Division of MDU
EOG Resources - Mountrail 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 EOG Resources at a location in Mountrail County, North Dakota, Case No. PU-11-36.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-37
Montana-Dakota Utilities Co.,
a Division of MDU
City of Kenmare - Ward 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 the City of Kenmare at a location in Ward County, North Dakota, Case No. PU-11-37.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-38
Montana-Dakota Utilities Co.,
a Division of MDU
American Oil and Gas –
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 American Oil and Gas at a location in Williams County, North Dakota, Case No. PU-11-38.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-38
Beulah/Zap
2010 Phase II Construction
Project

Mr. Cramer: I move the Commission close out Contract No. AM-589-10 with B & C Concrete Pumping, Inc. for completion of drilling and pressurized grouting work and Contract No. AM-590-10 with GEOSERV, Inc. for completion of material testing services, both associated with the 2010 Beulah/Zap Phase 11 AML project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-39
Williams County Road 9
2010 Phase 5 Construction
Project

Mr. Cramer: I move the Commission close out Contract No. AM-591-10 with B & C Concrete Pumping, Inc. for completion of drilling and pressurized grouting work and Contract No. AM-592-10 with Material Testing Services, LLC, for completion of material testing and related services, both associated with the 2010 Williams County Road 9 Phase 5 AML project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-45
Falkirk Mining Company
Self and Collateral Bond Increase
Approval

Mr. Cramer: I move the Commission approve the rider that increases the amount of Self-Bond No. SB-9503-1 and approve Collateral Bond No. CB-9503-3 that covers Permits NAFK-8405, NAFK-8705, and NAFK-9503 held by The Falkirk Mining Company for the Falkirk Mine. I further move the approval of the cancellation of Collateral Bond Number CB-9503-2.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-47
Coteau Properties Company
Self and Collateral Bond Increase
Approval

Mr. Cramer: I move the Commission approve the rider that increases the amount of Self-Bond No. SB-9501-1 and approve Collateral Bond No. CB-9501-6 that covers all permits held by the Coteau Properties Company for the Freedom Mine. I further move the approval of the cancellation of Collateral Bond Number CB-9501-5.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-50
Flasher Farmers Union Grain & Oil
License No. 1063 - Flasher, ND
Suspension / Revocation

Mr. Clark: I move the Commission, under North Dakota Century Code § 60-02-09.1, adopt the Order Suspending Warehouse License Number 1063 of Flasher Farmers Union Grain & Oil at their Flasher, North Dakota warehouse, effective February 1, 2011, for lack of adequate bond, and issue a Notice of Opportunity to be Heard in Case No. GE-11-50.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-10-585
Montana-Dakota Utilities Co.,
a Division of MDU
Waiver of the Federal Pipeline
Safety Regulations
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in the request of Montana Dakota Utilities Co. for a waiver of Title 49 Code of Federal Regulations Part 192 section 285(c) relating to requalification requirements for persons making plastic pipe joints, Case No. GS-10-585.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Post-Probationary Period Salary
Adjustment

Mr. Cramer: I move the approval of a salary increase effective February 1, 2011 for Position No. 5000, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth in the Commission's July 8, 2010 offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:55 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN