

September 22, 2004

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 22, 2004, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of September 8, 2004, be approved.

Mr. Clark: 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:

Odney Advertising	10,855.00
Thiem Drilling, Inc.	111,685.49
GeoServ, Inc.	4,343.50
Spherion	878.40
Wayne Grangaard	576.75
Great Plains Security Systems	350.00
Patrick Fahn	341.79
Anthony Clark	188.40
Cellular One	221.71
Facilities Mgmt – 7/04 postage	591.33
ITD	1,780.16
Central Services – 8/04 printing charges	36.76
Central Services – 8/04 supplies	244.99
NDPERS	40.00
DOT	13,080.78
Elan	8,927.53

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2342-03-362
Qwest Corporation
Section 272 Biennial Audit
Investigation

Mr. Cramer: I move the Commission close this proceeding.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-453
XO Communications Services, Inc.
Long Distance/Local
Exchange/Operator Services
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to XO Communications Services, Inc. to provide long distance, local exchange, and operator reseller services in North Dakota, Case No. PU-04-453

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-464
VCI Company
Long Distance/Local Exchange
Reseller
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to VCI Company to resell interexchange and local exchange telecommunications services in North Dakota, Case No. PU-04-464.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-04-476
Buyers United, Inc.
Name Change
Application

Mr. Cramer: I move the Commission reissue Certificate of Registration No. 914 to UCN, Inc., Case No. PU-04-476.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. GE-04-482
Trinidad Benham Corp. - Roving Grain
Buyer
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Trinidad Benham Corp., Denver, Colorado.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-04-411
Montana-Dakota Utilities Co., a
Division of MDU
Chris and Shelly Mills, Sterling, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Chris and Shelly Mills for a small commercial shop site near Sterling, North Dakota, Case No. PU-04-411.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-04-378
USF Use Certification 47CFR54.314
(2005)
Compliance

Mr. Clark: I move the Commission adopt the Order regarding universal service certification for rural eligible telecommunications carriers, Case No. PU-04-378.

Mr. Cramer: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-04-423
New Access Communications LLC
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the captioned applications for certificates of public convenience and necessity to provide telecommunication services in North Dakota.

Mrs. Wefald: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-3090-04-454
XO Communications Services, Inc.
Local Exchange
Public Convenience & Necessity

Case No. PU-04-465
VCI Company
Local Exchange/Interexchange
Public Convenience & Necessity

Case No. GE-04-478
Direct Grain, Inc.
Grain Warehouse - Wyndmere, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-478 granting the request of Direct Grain, Inc. to operate a 468,000-bushel grain warehouse at Wyndmere, North Dakota, effective September 15, 2004.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-479
Reimers Seed Co.
Grain Warehouse - Carrington, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-479 granting the request of Reimers Seed Co. to operate a 76,000-bushel grain warehouse at Carrington, North Dakota, effective September 15, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-480
TMT Farms Bean and Seed Co.
Grain Warehouse - Windsor, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-480 granting the request of TMT Farms Bean and Seed Co. to operate a 124,000-bushel grain warehouse at Windsor, North Dakota, effective September 15, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-04-481
St. Hilaire Seed Company, Inc.
Grain Warehouse - St. Hilaire, MN
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-04-481 granting the request of St. Hilaire Seed Company, Inc., St. Hilaire, Minnesota, to operate a 172,000-bushel grain warehouse at Crystal, North Dakota and a 298,000-bushel grain warehouse at Garske, North Dakota, effective September 15, 2004.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-452
Montana-Dakota Utilities Co., a
Division of MDU
Gascoyne Generating Station
Siting Application

Mrs. Wefald: I move the Commission assess a filing fee of \$150,000 due upon filing of the application, and shorten the one-year waiting period between filing a letter of intent and a siting application to three months in Case No. PU-04-452, Montana-Dakota Utilities Co.'s proposed Gascoyne Generation Station near Gascoyne in Bowman County North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-822-02-474
BNI Coal, Ltd
Bond Release No. 5, Permit No.
BNCR-8106
Approval

Mrs. Wefald: I move the Commission approve Bond Release No. 5 to Surface Coal Mining Permit No. BNCR-8106, held by the BNI Coal, LTD at the Center Mine, to release all remaining reclamation liabilities on 138.37 acres of land located in portions of Sections 24 and 36, T142N, R84W, Oliver County. No monetary reduction was requested and this bond release will become effective October 25, 2004, unless a formal hearing is requested.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-99
Falkirk Mining Company
Revision No. 11, Permit NAFK-9503
Approval

Mrs. Wefald: I move the Commission approve Revision No. 11 to Surface Coal Mining Permit No. NAFK-9503, held by the Falkirk Mining Company, to add to the permit 5,969.4 acres located in Sections 10, 15, 21, 22, 27, 28, 33, 34, 35, and 36, T145N, R83W, and Sections 4, 5, and 9, T144N, R83W, McLean County, and to update mining and reclamation plans and other information in response to the latest midterm permit review.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-455
Northern States Power Company
September 2004
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for September 2004, Case No. PU-04-455.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-467
Great Plains Natural Gas Co.
September 2004
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for September 2004, Case No. PU-04-467.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-97
Montana-Dakota Utilities Co., a
Division of MDU
Natural Gas Rate Increase
Application

Mr. Cramer: I move the Commission adopt the Order Adopting Settlement in Montana-Dakota Utilities Co.'s Natural Gas Rate Increase application, Case No. PU-04-97.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-2941-03-552
Snake Road Phase I
2004-2007 AML Construction
Project

Mr. Cramer: I move the Commission authorize a change order to Contract No. AM-485-04 in the amount of \$1,200 with Geoserv, Inc., 3100 East Broadway Avenue, Bismarck, ND 58501 for additional material testing services at the Snake Road abandoned mine land site.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Employment Offer and Acceptance

Mr. Cramer: I move that the Commission's minutes reflect that an offer of employment was extended to Annette Bendish to serve as a Public Utility Analyst in the Public Utilities Division starting September 27, 2004. Ms. Bendish has accepted the offer.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-432-99-472
West River Telecommunications
Cooperative
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill West River Telecommunications Cooperative and Qwest Corporation for costs incurred to date in Case No. PU-432-99-472, West River Telecommunications Cooperative, Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-1540-99-473
West River Communications, Inc.
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill West River Communications, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-1540-99-473, West River Communications, Inc., Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-426-99-481
Polar Communications Mutual Aid
Corporation
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Polar Communications Mutual Aid Corporation and Qwest Corporation for costs incurred to date in Case No. PU-426-99-481, Polar Communications Mutual Aid Corporation, Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-418-99-490
BEK Communications Cooperative
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill BEK Communications Cooperative and Qwest Corporation for costs incurred to date in Case No. PU-418-99-490, BEK Communications Cooperative, Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-1680-99-491
BEK Communications I Inc.
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill BEK Communications I, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-1680-99-491, BEK Communications I, Inc., Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-427-99-492
Reservation Telephone Cooperative
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Reservation Telephone Cooperative and Qwest Corporation for costs incurred to date in Case No. PU-427-99-492, Reservation Telephone Cooperative, Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-431-99-493
United Telephone Mutual Aid Corp
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill United Telephone Mutual Aid Corporation and Qwest Corporation for costs incurred to date in Case No. PU-431-99-493, United Telephone Mutual Aid Corporation, Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-1686-99-494
Turtle Mountain Communications, Inc.
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Turtle Mountain Communications, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-1686-99-494, Turtle Mountain Communications, Inc., Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-1682-99-495
Dakota Central Telecommunications
Cooperative
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Dakota Central Telecommunications Cooperative and Qwest Corporation for costs incurred to date in Case No. PU-1682-99-495, Dakota Central Telecommunications Cooperative, Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-2013-99-496
Consolidated Telcom, Inc.
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Consolidated Telcom, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-2013-99-496, Consolidated Telcom, Inc., Access, Tariff.

Mr. Clark: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-1264-99-497
North Dakota Telephone Company
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill North Dakota Telephone Company and Qwest Corporation for costs incurred to date in Case No. PU-1264-99-497, North Dakota Telephone Company, Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-1685-99-498
Inter-Community Telephone Company
II, L.L.C.
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Inter-Community Telephone Company II, LLC and Qwest Corporation for costs incurred to date in Case No. PU-1685-99-498, Inter-Community Telephone Company II, LLC, Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-449-99-499
Inter-Community Telephone Company
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Inter-Community Telephone Company and Qwest Corporation for costs incurred to date in Case No. PU-449-99-499, Inter-Community Telephone Company, Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-1576-99-500
Dickey Rural Communications, Inc.
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Dickey Rural Communications, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-1576-99-500, Dickey Rural Communications, Inc., Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-421-99-501
Dickey Rural Telephone Cooperative
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Dickey Rural Telephone Cooperative and Qwest Corporation for costs incurred to date in Case No. PU-421-99-501, Dickey Rural Telephone Cooperative, Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-1683-99-502
Dakota Central Telecom I, Inc.
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Dakota Central Telecom I, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-1683-99-502, Dakota Central Telecom I, Inc., Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-425-99-503
Northwest Communications
Cooperative
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Northwest Communications Cooperative and Qwest Corporation for costs incurred to date in Case No. PU-425-99-503, Northwest Communications Cooperative, Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-419-99-504
Consolidated Telephone Co-operative
Access
Tariff
Valuation Billing

Mr. Cramer: I move the Commission bill Consolidated Telephone Co-operative and Qwest Corporation for costs incurred to date in Case No. PU-419-99-504, Consolidated Telephone Co-operative, Access, Tariff.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Assistant Metrologist Position and
Training

Mrs. Wefald: I move the Commission approve the scheduling of JP Robbins for the NIST Basic Metrology Course in Gaithersburg, Maryland to take place in April 2005. The approximate total cost will be \$3,000.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Purchasing Commodities and Services
Policy Revision

Mr. Cramer: I move the Commission approve the changes to PSC Policy 2-01-81 (9), Purchasing Commodities and Services.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:20 P.M.

Executive Secretary

TONY T. CLARK, PRESIDENT