

April 20, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 20, 2005, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of April 6, 2005, be approved.

Mrs. Wefald: 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:

Dell USA	4,508.93
Larkin & Associates, PLLC	200.87
ND Newspaper Association	586.07
Douglas County Sheriff's Office	25.00
Cellular One	250.24
Anthony T. Clark	276.50
MARC 2005 – Arkansas PSC	1,050.00
Elan	10,005.20
ITD – 3/05 microfilm	426.12
OMB – 3/05 postage	506.13
ITD	1,316.43
OBM – Bickel training	260.00
ITD	1,931.21
OMB – central duplicating	175.62
OMB – central supply	195.45
ND Geological Survey	555.24
DOT – 3/05	14,019.99

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-44
Acceris Communications Corp.
Local/Interexchange
Public Convenience & Necessity

Mr. Cramer: I move the Commission approve Acceris Communications Corp.'s withdrawal of its application 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-05-62
KMC Data LLC
Local/Interexchange
Public Convenience & Necessity

Mr. Cramer: I move the Commission approve KMC Data LLC's withdrawal of its application 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-05-206
Matrix Telecom, Inc.
Local Exchange Reseller
Application

Mr. Clark: I move the Commission issue a Certificate of Registration to Matrix Telecom, Inc. to resell local exchange telecommunications services in North Dakota, Case No. PU-05-206.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-193
Otter Tail Corporation
Cogeneration/Small Power Producer
Rates
Suspend Tariff

Mr. Cramer: I move the Commission suspend Otter Tail Corporation's Cogeneration/Small Power Producer Rates, Case No. PU-05-193.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-144
Public Service Commission -
Reclamation Division
2005 Administration & Enforcement
Grant
Application
Amendment

Mr. Cramer: I move the Commission amend the 2005 Administration and Enforcement Grant Application for funding the coal mining regulatory program to extend the ending date.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-32
CommPartners, LLC
Local Exchange/Interexchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order in the captioned application for certificates of public convenience and necessity to provide telecommunication services in North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-197
McLeodUSA Telecommunications
Services, Inc.
vs. Qwest Corporation
Complaint

Mr. Clark: I move the Commission find the complaint filed under N.D.C.C. 49-02-01 and 49-21-24 states a prima facie case and serve the complaint on Qwest Corporation.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-115
Otter Tail Corporation
Payment Policy Amendment
Tariff

Mrs. Wefald: I move the Commission adopt the Order approving Otter Tail Corporation's Payment Policy tariff revisions, Case No. PU-05-115.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-597
Leith Phase 1
2005 AML Construction
Project
Appraisal Services

Mrs. Wefald: I move the Commission award a contract to Donald D. Dvorak d/b/a Farm Financial Services, 235 Sims Street, Dickinson, North Dakota 58601 in the amount of \$2,450 for pre- and post-reclamation appraisal services for the Leith Phase 1 abandoned mine land site in Grant County.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-597
Leith Phase 1
2005 AML Construction
Project
Construction Contract

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Quality Construction, Inc., PO Box 287, Sawyer, North Dakota 58781 in the amount of \$232,075 for construction services at the Leith Phase 1 abandoned mine land site in Grant County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-598
Beulah/Zap Phase 9
2005 AML Construction
Project
Construction Contract

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 W. Broadway, Williston, ND 58801 in the amount of \$254,975 for construction services at the Beulah/Zap Phase 9 abandoned mine land site in Mercer County.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-598
Beulah/Zap Phase 9
2005 AML Construction
Project
Material Testing

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to GeoServ, Inc., 3100 E. Broadway Avenue, Bismarck, North Dakota 58501 in the amount of \$13,650.20 for material testing services at the Beulah/Zap Phase 9 abandoned mine land site in Mercer County.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-599
Garrison Phase 4
2005 AML Construction
Project
Construction Contract

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota 58801 in the amount of \$296,250 for construction services at the Garrison Phase 4 abandoned mine land site in McLean County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-04-599
Garrison Phase 4
2005 AML Construction
Project
Material Testing

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Material Testing Services, LLC, PO Box 634, Minot, North Dakota 58702 in the amount of \$15,250 for material testing services at the Garrison Phase 4 abandoned mine land site in McLean County.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-203
Northern States Power Company
April 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for April 2005, Case No. PU-05-203.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-207
Great Plains Natural Gas Co.
April 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for April 2005, Case No. PU-05-207.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-04-614
North Dakota One-Call
CY2005 - R07906
Application
Contract

Mr. Cramer: I move the Commission execute a contract with UniqueScreen Media, Inc., 4140 Thielman Lane, Suite 110W, St. Cloud, MN in the amount of \$10,762 for CY2005 One-Call on-screen advertising.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Coal Mining Regulatory Program
State Program Amendment XXXV
Changes

Mr. Cramer: I move the Commission submit the changes to North Dakota Century Code Chapter 38-14.1 made by the 2005 Legislature to the Office of Surface Mining Reclamation and Enforcement as State Program Amendment XXXV.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Equity Salary Adjustment

Mrs. Wefald: I move the Commission authorize an equity salary adjustment effective 1 April 2005 for Sue Richter, Director of the Licensing Division.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Testing & Safety Division
Procedures and Enforcement Guide
Amendments

Mrs. Wefald: I move the Commission approve the 2005 amendments to the Testing & Safety Division's Procedures and Enforcement Guide (Section II – Weights & Measures/Metrology).

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AD-05-227
Organizational
Rulemaking

Mrs. Wefald: I move the Commission adopt the proposed changes to the organizational rules set forth in Section 69-01-01-01 of the North Dakota Administrative Code and forward the changes to the Legislative Council for publication. Case No. AD-05-227.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-237
Midcontinent Communications vs.
Polar Telecom, Inc./HTC Services, Inc.
Complaint
Valuation Billing

Mrs. Wefald: I move the Commission bill Midcontinent Communications, Polar Telecom, Inc., and HTC Services, Inc. for costs incurred to date in Case No. PU-04-237, Midcontinent Communications vs. Polar Telecom, Inc./HTC Services, Inc., Complaint.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-402
MCImetro Access Transmission
Services LLC
Qwest Corporation
Service Agreement(s)
Valuation Billing

Mrs. Wefald: I move the Commission bill MCI and Qwest for costs incurred to date in Case No. PU-04-402, MCImetro Access Transmission Services LLC, Qwest Corporation, Service Agreement(s).

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-28
VCI Company
Designated Eligible Carrier
Application
Valuation Billing

Mrs. Wefald: I move the Commission bill VCI Company for costs incurred to date in Case No. PU-05-28, VCI Company, Designated Eligible Carrier, Application.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-32
CommPartners, LLC
Local Exchange/Interexchange
Public Convenience & Necessity
Valuation Billing

Mrs. Wefald: I move the Commission bill CommPartners, LLC for costs incurred to date in Case No. PU-05-32, CommPartners, LLC, Local/Interexchange, Public Convenience and Necessity.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-44
Acceris Communications Corp.
Local/Interexchange
Public Convenience & Necessity
Valuation Billing

Mrs. Wefald: I move the Commission bill Acceris Communications Corp. for costs incurred to date in Case No. PU-05-44, Acceris Communications Corp., Local/Interexchange, Public Convenience and Necessity.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-62
KMC Data LLC
Local/Interexchange
Public Convenience & Necessity
Valuation Billing

Mrs. Wefald: I move the Commission bill KMC Data LLC for costs incurred to date in Case No. PU-05-62, KMC Data LLC, Local/Interexchange, Public Convenience and Necessity.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-578
Northern States Power Company
Natural Gas Rate Increase
Application
Valuation Billing

Mrs. Wefald: I move the Commission bill Northern States Power Company for costs incurred to date in Case No. PU-04-578, Northern States Power Company, Natural Gas Rate Increase, Application.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:10 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT