

June 29, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on June 29, 2005, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of June 8 and 15, 2005, 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:

Vaisala	5,790.00
Jensen Travel	1,880.40
ND Newspaper Association	636.26
Cole Papers, Inc.	1,172.00
NARUC	2,689.00
Movie Ad Media, Inc.	2,442.00
William W. Binek	749.52
Cellular One	249.05
Kevin Cramer	124.00
Jerry Lein	177.84
Susan Wefald	1,045.80
Anthony T. Clark	770.55
Bar Bee Carpet Cleaning	40.00
Hewlett-Packard Company	86.00
ND Newspaper Association	313.06
Rough Rider Industries	3,750.00
NARUC	1,500.00
Quality Construction, Inc.	52,287.00
Thiem Drilling, Inc.	13,159.00
Patrick Fahn	16.00
Bruce E. Beechie	326.24
Liberty Consulting Group	3,979.92
OMB	70.00
OMB—central services indirect costs	5,110.00
ITD—5/05 rate charges	3,673.04
OMB—5/05 central supply	2,016.11
OMB—5/05 central duplicating	36.29
OMB—CPR trng	25.00
Elan	9,469.72
DOT—5/05 mileage	17,304.17
OAH—05/05 billing	936.68

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission acknowledge McLeodUSA Telecommunications Services, Inc.'s request to withdraw its complaint and request for expedited proceeding and emergency relief in this proceeding and close the case.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-325
North Dakota Telephone Company
Local Exchange
Tariff
Suspension

Mr. Cramer: I move the Commission suspend North Dakota Telephone Company's local exchange tariffs.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-374
Operator Service Company, LLC
Long Distance/Operator Services
Application

Mr. Cramer: I move the Commission issue Certificates of Registration to Operator Service Company, LLC to resell interexchange telecommunications services and to provide operator services in North Dakota, Case No. PU-05-374.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-366
Herschel D. Pruitt
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Herschel D. Pruitt, Wheatland, Wyoming, effective June 21, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-278
Montana-Dakota Utilities Co., a
Division of MDU
General Investment Corp., Dickinson, 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 General Investment Corp. for a residential site near Dickinson, North Dakota, Case No. PU-05-278.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-291
Montana-Dakota Utilities Co., a
Division of MDU
Joyce Biegler, 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 Joyce Biegler for a residential site near Sterling, North Dakota, Case No. PU-05-291.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-309
Otter Tail Corporation
Two Rivers Broadcasting - Valley City, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Two Rivers Broadcasting for a communications tower site near Eckelson, North Dakota, Case No. PU-05-309.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-397
Montana-Dakota Utilities Co.
IRP Extension of Filing Time
Approval

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s request for an extension to September 15, 2005, for filing its Integrated Resource Plan.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-399-91-689
Montana-Dakota Utilities Co., a
Division of MDU
Change in Filing Requirement-IRP
Approval

Case No. WM-05-340
Fairbanks Scales
Complaint

Mr. Cramer: I move the Commission find the Complaint in Case No. WM-05-340, Public Service Commission, Complainant, vs. Fairbanks Scales, Respondent, states a prima facie case and serve it on the Respondent.

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

Mr. Cramer: I move the Commission approve Northern States Power Company's Compliance Rates, to be effective with services rendered on or after July 1, 2005, in Northern States Power Company's Natural Gas Rate Increase application, Case No. PU-04-578.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-359
Bentonite Performance Minerals
Reclamation Extension 23, Permit 34
Approval

Mr. Cramer: I move the Commission approve Reclamation Period Extension No. 23 for Surface Coal Mining Permit No. 34, held by Bentonite Performance Minerals, to allow the continuation of reclamation activities on 9.31 acres at the Gaylord Olson Mine until June 30, 2006.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2967-03-666
BEK Communications Cooperative, et al.
vs SmartNET, Inc.
Complaint

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in this proceeding.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-300
SBC Long Distance, LLC
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity to SBC Long Distance, LLC to provide telecommunication services in North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-353
Lankin Farmers Grain Co.
License No. 112 - Lankin, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-353 granting the request of Lankin Farmers Grain Co. to discontinue business at Lankin, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-354
Clarkson Grain Company, Inc.
Roving Grain Buyer - Cerro Gordo, IL
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-354 granting the request of Clarkson Grain Company, Inc., Cerro Gordo, Illinois, to discontinue business as a North Dakota roving grain buyer effective June 17, 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-355
Farmers Finest Bean Company, Inc.
License No. 1029 - Emerado, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-355 granting the request of Farmers Finest Bean Company, Inc. to discontinue business at Emerado, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-356
Thompson USA Limited
Colgate, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-05-356 granting the request of Thompson USA Limited, East Grand Forks, Minnesota, to operate a 42,000-bushel bean warehouse at Colgate, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-358
Kings, Inc.
License No. 1129 - Wimbledon, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-358 granting the request of Kings, Inc., Winston Salem, North Carolina, to discontinue business at Wimbledon, North Dakota, effective June 17, 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-367
Knight Seed Company, Inc.
License No. 1034 - Northwood
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-367 granting the request of Knight Seed Company, Inc., Burnsville, Minnesota, to discontinue business at Northwood, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-47
PPM Energy, Inc.
Rugby Wind Farm - Pierce County
Siting Application

Mrs. Wefald: I move the Commission deem the application complete and issue a Notice of Filing and Notice of Hearing in the consolidated application of PPM Energy, Inc. for a Certificate of Site Compatibility for the Rugby Wind Farm, and Waiver of Procedures and Time Schedules and Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for the Rugby Wind Farm Transmission Line in Pierce County, North Dakota, Case No. PU-05-47 and Case No. PU-05-305.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-305
PPM Energy, Inc.
230 kV Transmission Line
Siting Application
Notices

Case No. PU-05-205
FPL Energy Burleigh County Wind, LLC
230kV Transmission Line - Burleigh County
Siting Application
Amended Notice of Hearing

Mrs. Wefald: I move the Commission issue an Amended Notice of Hearing in the amended consolidated application of FPL Energy Burleigh County Wind, LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit authorizing construction of a 230 kV Transmission Line in Burleigh County, North Dakota, Case No. PU-05-205 and assess a filing fee of \$16,000, due July 15, 2005, for the amended consolidated application, instead of the \$25,000 filing fee assessed on May 24, 2005.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-279
Otter Tail Corporation
Power Purchase/Rule Standard
Deviation
Application
Trade Secret

Mrs. Wefald: I move the Commission adopt the Order Granting Trade Secret Protection in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-335
Great Plains Natural Gas Co.
June 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for June 2005, Case No. PU-05-335.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-348
Montana-Dakota Utilities Co., a
Division of MDU
July 2005
Cost of Gas Adj./Natural Gas

Mr. Cramer: I move the Commission approve a reduction to Montana-Dakota Utilities Co.'s Natural Gas Cost of Gas Adjustment of \$0.645 per dekatherm that will apply during July 2005, Case No. PU-05-348.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-353
Coteau Properties Company
Revision No. 1, Permit NACT-0201
Approval

Mr. Cramer: I move that the Commission approve Revision No. 1 to Surface Coal Mining Permit No. NACT-0201, held by the Coteau Properties Company for the Freedom Mine, to add design plans for an equipment access road and to update other information.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-348
Montana-Dakota Utilities Co., a
Division of MDU
July 2005
Cost of Gas Adj./Natural Gas
Tariff Change Suspension

Mr. Cramer: I move the Commission suspend Montana-Dakota Utilities Co.'s request to waive or change its Purchased Gas Cost Adjustment tariff; Rate 88, Section 5(a)(3) concerning refunds from suppliers, Case No. PU-05-348.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustments

Mr. Cramer: I move the Commission, consistent with the intent of the 2005 Legislature, grant all non-probationary, permanent employees whose documented performance levels meet standards a four percent salary increase effective July 1, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2967-03-666
BEK Communications Cooperative, et al.
vs SmartNET, Inc.
Complaint
Valuation Billing

Mr. Cramer: I move the Commission bill BEK Communications Cooperative, et al. for court reporter costs incurred to date in PU-2967-03-666, BEK Communications Cooperative, et al. vs SmartNET, Inc., Complaint, as stated in the March 10, 2004, letter from Mr. Don Negaard.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-2967-03-666
BEK Communications Cooperative, et al.
vs SmartNET, Inc.
Complaint
Valuation Billing

Mr. Cramer: I move the Commission bill the parties for costs incurred to date in PU-2967-03-666, BEK Communications Cooperative, et al. vs SmartNET, Inc., Complaint.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: 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. WM-05-340
Fairbanks Scales
Complaint
Staff Appointments

Mr. Cramer: I move the Commission appoint William Binek and Kevin Hanson as advocacy staff, and Illona Jeffcoat-Sacco and Al Moch as advisory staff in the Complaint Case No. WM-05-340, Public Service Commission, Complainant, vs. Fairbanks Scales, Respondent.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Temporary Employee

Mrs. Wefald: I move the Commission approve hiring a temporary employee for Geographic Information System (GIS) work in the Reclamation Division.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:40 P.M.

Executive Secretary

TONY T. CLARK, PRESIDENT