

October 18, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 18, 2005, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of October 5, 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:

ND Newspaper Association	105.32
Mike Diller	78.06
William W. Binek	78.06
Perreault Construction, Inc.	2,500.00
Thiem Drilling, Inc.	91,852.60
Material Testing Services, LLC	14,530.00
Thiem Drilling, Inc.	5,500.00
OMB-postage 9/05	1,387.31
OMB-central supply 9/05	138.20
ITD-9/05 rate chgs	1,386.52
Office of Administrative Hearings	3,448.16
ITD-9/05 DP service fee	6,123.67
OMB-9/05 ups	14.29

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-559

Josh Moch

Auctioneer

License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Josh Moch, Napoleon, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-05-550

Mohall Central Railroad, Inc.

Rail Line Transfer

Compliance

Mr. Cramer: I move that the Commission close its investigation into the proposed transfer of approximately 70 miles of North Dakota rail line between Lakota, North Dakota and Sarles, North Dakota from BNSF Railway Company to Mohall Central Railroad, Inc. without taking an official position on the proposal before the federal Surface Transportation Board.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-165  
DIECA Communications, Inc.  
Interconnection Arbitration  
Application

Mr. Cramer: I move the Commission admit attorney Gregory Diamond to practice before the Commission in Case No. PU-05-165, DIECA Communications, Inc.'s Interconnection Arbitration application.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-528  
Montana-Dakota Utilities Co., a  
Division of MDU  
Jamie Zins, McKenzie, 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 Jamie Zins for a residential site near McKenzie, North Dakota, Case No. PU-05-528.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-530  
Otter Tail Corporation  
Testing Plan for kWh Meters  
Tariff

Mr. Cramer: I move the Commission approve Otter Tail Corporation's Testing Plan for kWh Meters tariff, Case No. PU-05-530.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-547  
Northern States Power Company  
Natural Gas Extension Policy  
Tariff  
Suspend

Mr. Cramer: I move the Commission suspend Northern States Power Company's Natural Gas Extension Policy tariff, Case No. PU-05-547.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-04-620  
New Edge Network, Inc./Qwest  
Corporation  
Commercial Line Sharing Agreement  
Service Agreement(s)

Mr. Clark: I move the Commission adopt the Order in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-450  
Midcontinent Communications/Dakota  
Central Telecom I  
Rural Exemption  
Investigation  
Dismissal

Mr. Clark: I move the Commission adopt the Order of Dismissal in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-544  
Red River Rural Telephone Association  
Local Exchange  
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in the captioned applications for certificates of public convenience and necessity to provide telecommunication services in North Dakota and for designation as an Eligible Telecommunications Carrier for receiving federal universal service support.

Case No. PU-05-545  
Red River Rural Telephone Association  
Designated Eligible Carrier  
Application  
Notice of Opportunity for Hearing and  
Notice of Informal Hearing

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-546  
Qwest Corporation vs.  
Absaraka Co-operative Telephone Co.  
Inc. et al.  
Complaint

Mr. Clark: I move the Commission find the complaint states a prima facie case, and serve the complaint on Absaraka Co-operative Telephone Company, Inc., et. al.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-564  
Thompson Farmers Co-operative  
Elevator Company  
License No. 1160 - Grand Forks, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-564 granting the request of Thompson Farmers Co-operative Elevator Company to discontinue business at Grand Forks, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-565  
Grand Forks Bean Company, Inc.  
Grain Warehouse - Grand Forks, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-05-565 granting the request of Grand Forks Bean Company, Inc. to operate a 199,000-bushel grain warehouse at Grand Forks, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Public Service Commission  
Attorney General's Opinion  
Internet Auctions

Mr. Clark: I move the Commission acknowledge its request for an Attorney General's opinion concerning the need for an auctioneer or auction clerk license to sell items for others via the Internet.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

Mrs. Wefald: I move the Commission approve the final transmission line plan and profile drawings.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-551  
Capital Electric Cooperative Inc. vs  
Montana-Dakota Utilities Co.  
Complaint  
Notice of Hearing

Mrs. Wefald: I move the Commission find the complaint states a prima facie case, and serve the complaint on Montana-Dakota Utilities Co. and issue a Notice of Hearing in Case No. PU-05-551 Capital Electric Cooperative, Inc. vs. Montana-Dakota Utilities Co.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-05-340  
Fairbanks Scales  
Complaint  
Penalty

Mrs. Wefald: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order and assess a penalty in Case No. WM-05-340.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mrs. Wefald: I move the Commission close Contract No. AM-504-05 with Thiem Drilling, Inc., 1502 West Broadway, Williston, North Dakota 58801 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  
Close Contract

Mrs. Wefald: I move the Commission close out Contract No. AM-505-05 with Material Testing Services, LLC, PO Box 634, Minot, North Dakota 58702 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. AM-05-500  
AML Maintenance  
2005 AML Construction Project  
Intent to Award Contract

Mrs. Wefald: I move the Commission issue an Intent to Award a contract to Ed Texley dba Circle T Custom Dirt Work, 1405 5th Ave NE, Hettinger, ND 58639 in the amount of \$21,220 for construction services at the Haynes II abandoned mine land site in western North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Abandoned Mine Lands Division  
Federal Oversight Report

Mrs. Wefald: I move the Commission accept the Office of Surface Mining Reclamation and Enforcement Annual Evaluation Summary Report for the Abandoned Mine Lands Program administered by the State of North Dakota for the Evaluation Year of July 1, 2004 to June 30, 2005.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Annual Public Contact Report

Discussion Item Only

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

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

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-548  
Northern States Power Company  
October 2005  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for October 2005, Case No. PU-05-548.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-549  
Great Plains Natural Gas Co.  
October 2005  
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for October 2005, Case No. PU-05-549.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-555  
Montana-Dakota Utilities Co., a  
Division of MDU  
November 2005  
Cost of Gas Adj./Natural Gas

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s Natural Gas Cost of Gas Adjustment for November 2005, Case No. PU-05-555.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-556  
Montana-Dakota Utilities Co., a  
Division of MDU  
November 2005  
Cost of Gas Adjustment/Propane

Mr. Cramer: I move the Commission approve Montana-Dakota Utilities Co.'s propane Cost of Gas adjustment for November 2005, Case No. PU-05-556.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-170  
American Colloid Co.  
Revision No. 4, Permit ACPG-9701  
Application

Mr. Cramer: I move the Commission approve Revision No. 4 to Surface Coal Mining Permit ACPG-9701 held by the American Colloid Company to add 325.94 acres to this permit for the Page Mine and to update the appropriate sections of the permit to reflect the added area.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-401  
Dakota Westmoreland Corporation  
Revision No. 22, Permit KRSB-8802  
Approval

Mr. Cramer: I move the Commission approve Revision No. 22 to Surface Coal Mining Permit No. KRSB-8802, held by the Dakota Westmoreland Corporation for the Beulah Mine, to identify the next five-year coal removal area, update legal and property ownership information, operations and reclamation plans, and other sections of the permit for the next five-year permit term.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-402  
Dakota Westmoreland Corporation  
Renewal No. 3, Permit KRSB-8802  
Approval

Mr. Cramer: I move the Commission approve Renewal No. 3 to Surface Coal Mining Permit No. KRSB-8802, held by the Dakota Westmoreland Corporation for the Beulah Mine, to extend the permit term another five years, until October 23, 2010.

Mrs. Wefald: 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.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-229  
Ernest Communications, Inc.  
Local Exchange  
Public Convenience & Necessity  
Valuation Billing

Mr. Cramer: I move the Commission bill Ernest Communications, Inc. for costs incurred to date in Case No. PU-05-229, Ernest Communications, Inc., Local Exchange, Public Convenience & Necessity.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-272  
Midcontinent Communications  
Designated Eligible Carrier  
Application  
Valuation Billing

Mr. Cramer: I move the Commission bill Midcontinent Communications for costs incurred to date in Case No. PU-05-272, Midcontinent Communications, Designated Eligible Carrier, Application.

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  
Valuation Billing

Mr. Cramer: I move the Commission bill SBC Long Distance, LLC for costs incurred to date in Case No. PU-05-300, SBC Long Distance, LLC, Local Exchange, Public Convenience & Necessity.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Cramer: I move the Commission, consistent with the intent of the 2005 Legislature, grant position number 5001 a two percent salary increase effective October 1, 2005.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

IT Change Request

Mr. Cramer: I move the Commission approve the IT Change Request to comply with the North Dakota Insurance Department's State Bonding Fund audit practice requirements.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:35 A.M.

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Executive Secretary

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TONY T. CLARK, PRESIDENT