

December 14, 2005

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 14, 2005, 10:00 a.m. Present were Commissioners Clark, Wefald, and Cramer.

Minutes

Mr. Cramer: I move the minutes of November 30, 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:

AAWCO	200.00
State Board of Law Examiners	780.00
Rick Fillbrandt	138.50
Patrick Fahn	32.50
Hewlett-Packard Company	168.00
William W. Binek	7.50
William E. Dodd	15.00
Bruce Beechie	45.00
Mark Knell	101.28
Stephan A. Schroeder	15.00
Guy Welch	22.50
Larry L. Larson	30.00
Bruce Johnson	15.00
David Bickel	48.92
Alan Moch	80.25
Timothy Erdmann	485.45
Larry Reisenauer	61.57
Wayne Grangaard	231.05
Bill Eide	766.35
JP Robbins	761.32
Leo D. Praus	289.46
Phyllis G. Richter	655.31
Kevin Cramer	156.30
OMB-11/05 supplies	234.47
OMB-11/05 central duplicating	32.30
ITD-11/05 telephone	1,643.86
OMB-11/05 postage	1,068.15
ITD-11/05 DP service fee	2,919.43
Office of Administrative Hearings	628.71
Elan	7,266.16

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-647
Duc Thiel
Auctioneer License
Revocation

Mr. Cramer: I move the Commission issue an order in Case No. AU-05-647 revoking auctioneer license number 677 of Duc Thiel, Stanley, North Dakota, effective December 10, 2005, for failing to maintain an adequate bond filing.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-05-648
Duc Thiel dba D-N-R Auction Service
Auction Clerk License
Revocation

Mr. Cramer: I move the Commission issue an order in Case No. AU-05-648 revoking auction clerk license number 495 of Duc Thiel doing business as D-N-R Auction Service, Stanley, North Dakota, effective December 10, 2005, for failing to maintain an adequate bond filing.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-05-620
BNI Coal, Ltd.
Reclamation Extension 27, Tract 1,
Permit 24
Approval

Mr. Cramer: I move the Commission approve Reclamation Period Extension No. 27 for Tract 1 within Surface Coal Mining Permit No. 24, held by BNI Coal, Ltd., to extend the reclamation period on 27.3 acres at the Center Mine until December 31, 2006.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-636
Northern States Power Company
Natural Gas Service Area Tariff
Approval

Mr. Cramer: I move the Commission approve Northern States Power Company's Natural Gas Service Area List Tariff, Case No. PU-05-636.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-439-03-295
Local Competition
Investigation
Close Investigation

Mr. Clark: I move the Commission issue a Notice of Intent to Close Investigation in the Public Service Commission's Local Competition Investigation, Case No. PU-439-03-295.

Mrs. Wefald: 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 adopt the Order approving the applications of Red River Rural Telephone Association for certificates of public convenience and necessity to provide local telecommunication services and for designation as an Eligible Telecommunications Carrier for receiving federal universal service support in the Fairmount, Hankinson, Lidgerwood, and Wyndmere exchange areas of North Dakota, Case Nos. PU-05-544 and PU-05-545.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-545
Red River Rural Telephone Association
Designated Eligible Carrier
Application

Case No. GE-05-640
American Italian Pasta Company
Roving Grain Buyer - Excelsior
Springs, MO
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-05-640 granting the request of the American Italian Pasta Company, Excelsior Springs, Missouri, to discontinue business as a North Dakota roving grain buyer effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission postpone indefinitely the hearing scheduled for January 13, 2006, in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-451
Midcontinent Communications/ND
Telephone Co.
Rural Exemption
Investigation
Notice of Rescheduled Hearing

Mr. Clark: I move the Commission issue a Notice of Rescheduled Hearing in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-05-649
Four Star Farm Services, Inc.
Roving Grain Buyer License -
Hazelton, ND
Suspension/Revocation

Mr. Clark: I move the Commission issue an order in Case No. GE-05-649 suspending roving grain buyer license number 3085 of Four Star Farm Services, Inc., Hazelton, North Dakota, effective December 13, 2005, for lack of an adequate bond filing.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-05-557
Public Service Commission - AML
Division
2006-2009 ND Reclamation Simplified
Grant
Application

Mrs. Wefald: I move the Commission submit the 2006 - 2009 North Dakota Abandoned Mine Lands Reclamation Simplified Grant Application to the Office of Surface Mining requesting \$1,618,995 in federal funds to administer the abandoned mine lands program.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-625
Montana-Dakota Utilities Co., a
Division of MDU
December 2005
Fuel Cost Adjustment

Discussion Items Only

Case No. PU-05-627
Otter Tail Corporation
December 2005
Fuel Cost Adjustment

Case No. PU-05-633
Northern States Power Company
December 2005
Fuel Cost Adjustment

Case No. RC-04-674
Basin Cooperative Services
Bond Release No. 5, Permit BCGH-8204
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 5 for Surface Coal Mining Permit BCGH-8204, held by Basin Cooperative Services for the Glenharold Mine, to release all reclamation liabilities on 364.73 acres located in portions of Sections 19, 20, 28, and 29, T144N, R84W, Mercer County. The amount of the bond release is \$784,997.27; and it will become effective January 17, 2006, unless a formal hearing is requested.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission approve 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-05-598
Montana-Dakota Utilities Co., a
Division of MDU
Natural Gas Conservation Tariff
Deny Tariff

Mr. Cramer: I move the Commission deny the Natural Gas Conservation Programs & Conservation Tracking Adjustment tariff proposed by Montana-Dakota Utilities Co., Case No. PU-05-598.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-632
Northern States Power Company
December 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's cost of gas adjustment for December 2005, Case No. PU-05-632.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-634
Great Plains Natural Gas Co.
December 2005
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for December 2005, Case No. PU-05-634.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Public Service Commission
Adopt Policy Change

Mrs. Wefald: I move the Commission approve the following revised policy: PSC Policy 3-09-91 (2) Service Awards.

A. PURPOSE

To establish guidelines for the presentation of service awards as provided for in North Dakota Administrative Code Chapter 4-07-18.

B. POLICY

Service awards will be given to Commission employees in a manner consistent with the provisions of state law and administrative rules. For purposes of clarification, the Commission states the following:

1. Service awards will be given in December of each year and will recognize years of service attainments achieved during that calendar year.
2. Employee service at North Dakota state institutions of higher education will be credited towards total years of state service in determining eligibility for service awards.
3. Employees will be given a certificate for five and ten years of service with the Commission.
4. Employees will be given a recognition award and certificate for years of service with the Commission beginning with the fifteenth year of service and updated for five year increments thereafter.
5. Rewards with a value not to exceed those provided for by state administrative rules will be presented to employees based on total years of state service.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:15 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT