

October 12, 2006

The Public Service Commission convened in the Cass County Annex Building, Large Conference Room, Lower Level, 1010 2nd Avenue South, Fargo, North Dakota, on October 12, 2006, 11:00 a.m. Present were Commissioners Clark, Wefald, and Cramer. The Public Service Commission recessed its meeting at 11:35 a.m. The Public Service Commission reconvened in the Missouri River Room, State Capitol, Bismarck, North Dakota, on October 13, 2006, 9 a.m. Present were Commissioners Wefald and Cramer.

Minutes

Mr. Cramer: I move the minutes of September 20, 2006, 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:

Training Partners, LLC	435.00
Rydin Decal	2,070.00
Federal Express	65.55
ND Newspaper Association	48.92
Point 2 Point Airways	2,920.00
JP Robbins	601.35
Phyllis G. Richter	744.29
Kevin Hanson	248.25
Wayne Grangaard	680.25
Leo Praus – 10/06 advance	522.00
Kevin Cramer	690.15
Alan Moch	327.14
Susan Wefald	264.75
Leo Praus	236.60
Dean K. Moos	52.50
Bruce Johnson	27.00
Stephan A. Schroeder	50.00
Rick Fillbrandt	415.95
Mark Knell	216.66
Bill Eide	562.80
Larry Reisenauer	532.29
Timothy Erdmann	747.39
Melisa Toepke-Peterson	35.00
Guy Welch	70.00
Bruce Beechie	671.13
William Dodd	284.70
Thiem Drilling, Inc.	18,066.05
COGMA	245.00
OMB – 9/06 central duplicating	18.00
OMB – 9/06 supplies	1,124.97
ITD – 9/06 ph chg	1,312.20

Bills Continued

ITD – 9/06 microfilm	827.20
ITD – 9/06 dp	2,778.97
Office of Administrative Hearings	1,314.48
OMB – 9/06 postage	785.08
OMB – Risk Management	4,087.45
OMB – 7/06 duplicating	229.00
OMB – ups	5.20
OMB – sexual harassment training	180.00
DOT	14,712.87

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-06-432
Co-op Atlantic
Roving Grain Buyer
Winnipeg, MB, CN
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application for Co-op Atlantic, Winnipeg, Manitoba, Canada.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-415
Montana-Dakota Utilities Co., a
Division of MDU
Fuel Clause Rate 58
Tariff

Mr. Cramer: I move the Commission suspend Montana-Dakota Utilities Co.'s Fuel Clause Rate 58 Tariff, Case No. PU-06-415.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-290
Federal 2005 Energy Policy Act
Standards
Investigation

Mr. Cramer: I move the Commission grant the petition to intervene filed by Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., in the Commission's investigation of whether to adopt certain energy policy standards under the federal Energy Policies Act of 2005, Case No. PU-06-290.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification/
Recertification
Approval

Mr. Cramer: I move the Commission approve the blaster certification/recertification of the following applicants:

<u>No.</u>	<u>Applicant</u>	<u>Affiliation</u> <u>Certification</u>	<u>Certificate No.</u>
1.	Kathleen Sailer	Freedom Mine	06-08-286

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Clark: I move the Commission adopt the Order Approving Final Discount Rate in Midcontinent Communications/North Dakota Telephone Company Rural Exemption Investigation, Case No. PU-05-451.

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 adopt the Order to Dismiss Parties in this proceeding.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-400
Midcontinent
Communications/Consolidated Telcom
Rural Exemption
Investigation

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

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-419
SRT Communications, Inc.
Designated Eligible Carrier
Application

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in the applications of SRT Communications, Inc. for a certificate of public convenience and necessity to provide telecommunication services and for designation as an Eligible Telecommunications Carrier for receiving federal universal service support in the Velva exchange area of North Dakota, Case Nos. PU-06-419 and PU-06-420.

And

Case No. PU-06-420
SRT Communications, Inc.
Local Exchange
Public Convenience & Necessity

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Docket No. FCC-06-114
700 MHz Band

Mr. Clark: I move the Commission acknowledge the filing of comments to the Federal Communications Commission concerning Docket No. FCC-06-114, proposed service rules governing wireless licenses in the 700 MHz Band currently occupied by television (TV) broadcasters and being made available for new services as a result of the digital television (DTV) transition.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-06-433
Edgeley Bean Receiving, LLC
Grain Warehouse - Edgeley, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-06-433 granting the request of Edgeley Bean Receiving, LLC to operate a 95,000-bushel grain warehouse at Edgeley, North Dakota, effective October 3, 2006.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-278
Capital Electric Cooperative Inc. vs.
Montana-Dakota Utilities
Co/Promontory Point III
Complaint

Mrs. Wefald: I move the Commission adopt the Order granting the Motion for Continuance in Case No. PU-06-278.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-393
Northern States Power Company
Transfer of Assets & Certificates/Balta
Station
Application

Mrs. Wefald: I move the Commission issue a Notice of Opportunity for Hearing in the application of Northern States Power Company d/b/a Xcel Energy for transfer of certain transmission assets and for transfer of siting certificates previously issued to NSP for its Balta Switching Station located in Pierce County, North Dakota. Case No. PU-06-393.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-413
Otter Tail Corporation
October 2006
Fuel Cost Adjustment

Discussion Items Only

Case No. PU-06-414
Montana-Dakota Utilities Co., a
Division of MDU Re
October 2006
Fuel Cost Adjustment

Case No. PU-06-426
Northern States Power Company
October 2006
Fuel Cost Adjustment

Case No. AM-05-578
Beulah/Zap
2006 Phase 10 Construction
Project

Mrs. Wefald: I move the Commission close-out Contract No. AM-521-06 with Thiem Drilling, Inc. for completion of construction services at the Beulah/Zap Phase 10 abandoned mine land project in Mercer County.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-05-578
Beulah/Zap
2006 Phase 10 Construction
Project

Mrs. Wefald: I move the Commission close-out Contract No. AM-523-06 with Geoserv, Inc. for completion of material testing for the Beulah/Zap Phase 10 abandoned mine land project in Mercer County.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-05-579
Columbus
2006 Phase 7 Construction
Project

Mrs. Wefald: I move the Commission close-out Contract No. AM-519-06 with Quality Construction, Inc., for completion of construction services at the Columbus Phase 7 abandoned mine land site in Burke County.

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, 2005 to June 30, 2006.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-427
Northern States Power Company
October 2006
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Northern States Power Company's Cost of Gas Adjustment for October 2006, Case No. PU-06-427.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-431
Great Plains Natural Gas Co.
October 2006
Cost of Gas Adjustment

Mr. Cramer: I move the Commission approve Great Plains Natural Gas Co.'s Cost of Gas adjustment for October 2006, Case No. PU-06-431.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-04-51
Basin Cooperative Services
Bond Release 4, Permit BCGH-8204
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 4 for Surface Coal Mining Permit BCGH-8204, held by Basin Cooperative Services for the Glenharold Mine, to release all reclamation liabilities on 65.9 acres located in the SE¼ of Section 21, T144N, R84W, Mercer County. The amount of the bond release is \$110,740.58 and it will become effective November 13, 2006, unless a formal hearing is requested.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-149
BNI Coal, Ltd.
Revision 45, Permit BNCR-8106
Approval

Mr. Cramer: I move the Commission approve Revision No. 45 to Surface Coal Mining Permit No. BNCR-8106, held by the BNI Coal, Ltd. for the Center Mine, to add 27.3 acres that were originally included in Permit 24 and to update the legal and financial information and reclamation and monitoring plans in response to the recent midterm permit review. I further move the Commission approve stipulations of bond increase to add the additional acreage to the existing bonds that cover the consolidated bond area that includes Permit BNCR-8106.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-154
BNI Coal, Ltd.
Revision 10, Permit 24
Approval

Mr. Cramer: I move the Commission approve Revision No. 10 to Surface Coal Mining Permit No. 24, held by BNI Coal, Ltd. for the Center Mine, to delete the remaining 27.3 acres in Permit 24 that were added to Permit No. BNCR-8106. I further move the Commission approve stipulations to reduce the self and surety bonds covering Permit 24 to zero dollars and zero acres.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-424
Dakota Westmoreland Corporation
Notice of Violation No. 0603
Violation

Mr. Cramer: I move the Commission assess a proposed penalty for Notice of Violation No. 0603 issued to Dakota Westmoreland Corporation at the Beulah Mine and schedule an informal conference in the matter.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Coal Mining Regulatory Program
2006 OSM Evaluation Report

Mr. Cramer: I move the Commission accept the Office of Surface Mining's 2006 Evaluation Report for the Coal Mining and Reclamation Regulatory Program.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-317
Enbridge Pipelines (North Dakota) LLC
Crude Oil Pump. Stations-McKenzie-
Wms-Mntrail Ctys
Siting Application

Mr. Cramer: I move the Commission adopt the Order Granting the Request for Variance from Permit Conditions in Enbridge Pipelines (North Dakota) LLC's application to upgrade four pumping stations on its existing crude oil pipeline in McKenzie, Williams and Mountrail Counties, Case No. PU-06-317.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-317
Enbridge Pipelines (North Dakota) LLC
Crude Oil Pump. Stations-McKenzie-
Wms-Mntrail Ctys
Siting Application

Mr. Cramer: I move the Commission adopt the Amended Order in Enbridge Pipelines (North Dakota) LLC's application to upgrade four pumping stations on its existing crude oil pipeline in McKenzie, Williams and Mountrail Counties, Case No. PU-06-317.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-330
Enbridge Pipelines (North Dakota) LLC
Trenton to Beaver Lodge Pipeline -
Williams County
Siting Application

Mr. Cramer: I move the Commission adopt the Order Granting the Request for Variance from Permit Conditions in Enbridge Pipelines (North Dakota) LLC's application to construct the Trenton to Beaver Lodge Line Loop adjacent to and parallel to its existing crude oil pipeline in Williams County, Case No. PU-06-330.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-330
Enbridge Pipelines (North Dakota) LLC
Trenton to Beaver Lodge Pipeline -
Williams County
Siting Application

Mr. Cramer: I move the Commission adopt the Amended Findings of Fact, Conclusions of Law and Order in Enbridge Pipelines (North Dakota) LLC's application to construct the Trenton to Beaver Lodge Line Loop adjacent to and parallel to its existing crude oil pipeline in Williams County, Case No. PU-06-330.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-349
Enbridge Pipelines (North Dakota) LLC
Crude Oil Pump Stations-Moun, McHe,
Rams, GFor Cty
Siting Application

Mr. Cramer: I move the Commission adopt the Order Granting the Request for Variance from Permit Conditions in Enbridge Pipelines (North Dakota) LLC's application to construct four pumping stations on its existing crude oil pipeline in Mountrail, McHenry, Ramsey and Grand Forks Counties, Case No. PU-06-349.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-349
Enbridge Pipelines (North Dakota) LLC
Crude Oil Pump Stations-Moun, McHe,
Rams, GFor Cty
Siting Application

Mr. Cramer: I move the Commission adopt the Amended Findings of Fact, Conclusions of Law and Order in Enbridge Pipelines (North Dakota) LLC's application to construct four pumping stations on its existing crude oil pipeline in Mountrail, McHenry, Ramsey and Grand Forks Counties, Case No. PU-06-349.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Authorization of Flex
Work Schedule

Mr. Cramer: I move the Commission approve authorization of a flex work schedule for Position No. 5021 that includes four ten-hour days one week each month.

Mrs. Wefald: I second the motion.

Roll Call: Commissioners Wefald and Cramer voting "Aye."

ATTEST

THE COMMISSION ADJOURNED ON OCTOBER 13,
2006 AT 9:40 A.M.

Executive Secretary

TONY T. CLARK, PRESIDENT