

May 7, 2008

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 7, 2008, 10:00 a.m. Present were Commissioners Cramer, Clark, Commissioner Wefald participated by telephone and authorized her administrative assistant to sign contracts and orders on her behalf.

Minutes

Mr. Cramer: I move the minutes of April 16, 21, 23, 2008 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:

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|-----------------------------------|----------|
| ND Surplus Property | 20.00 |
| ND Newspaper Association | 1,335.82 |
| Stephan A. Schroeder | 30.00 |
| Kraig Nelson | 22.50 |
| Bruce Beechie | 15.00 |
| Bruce Johnson | 257.40 |
| Guy Welch | 7.50 |
| Mark Knell | 252.75 |
| Tom Rafferty | 12.50 |
| Leo D. Praus | 277.72 |
| Phyllis G. Richter | 851.57 |
| Rick Fillbrandt | 899.38 |
| Timothy Erdmann | 1,187.85 |
| Susan E. Wefald | 55.50 |
| Tim Oswald | 127.43 |
| William E. Dodd | 190.16 |
| Kevin Hanson | 763.14 |
| Kevin Cramer | 111.40 |
| Wayne Grangaard | 971.71 |
| Anthony T. Clark | 12.50 |
| Presort Plus | 54.78 |
| Chris Klein Productions | 760.00 |
| ND State Fair Association | 350.00 |
| Springbok Services, Inc. | 182.36 |
| Office of Administrative Hearings | 1,156.82 |
| OMB – 4/08 postage | 944.14 |
| OMB – 4/08 supplies | 627.15 |
| ITD – 4/08 microfilm | 6.40 |

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-9
Columbus
2008 Phase 9 Construction
Project

Mr. Cramer: I move the Commission waive placing any lien on property at the Columbus Phase 9 abandoned mine land project since the reclamation work performed at the site will primarily benefit health, safety, or environmental values of the area in which the land is located.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-10
Williams County Rd 9
2008 Phase 9 Construction
Project

Mr. Cramer: I move the Commission waive placing any liens on properties at the Williams County Road 9, Phase 3, abandoned mine land project since the reclamation work performed at the site will primarily benefit health, safety, or environmental values of the area in which the land is located.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-642
Wind Turbine Decommissioning
Rulemaking

Mr. Cramer: Having been approved by the Attorney General, I move the Commission adopt the proposed amendments and forward them to the Legislative Council for publication.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-486
Accounting, Electric and Gas
Rulemaking

Case No. PU-06-501
Public Utilities - Siting
Rulemaking

Case No. WM-07-203
Weights and Measures
Rulemaking

Case No. AU-08-178
Doris E. Hoff
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Doris E. Hoff, Richardton, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-179
Doris E. Hoff
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Doris E. Hoff, Richardton, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-182
Carl J. Radde
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Carl J. Radde, Cologne, Minnesota, effective April 30, 2008.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-183
Carl J. Radde
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Carl J. Radde, Cologne, Minnesota, effective April 30, 2008.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-184
Bradeen Real Estate & Auctions, Inc.
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Bradeen Real Estate & Auctions, Inc., Custer, South Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-722
Langdon Wind, LLC
Wind Farm Expansion –
Cavalier County
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing First Amended Certificate of Site Compatibility No. 6 to Langdon Wind, LLC authorizing a 40.5 MW expansion to its Langdon Wind Energy Center in Cavalier County, North Dakota, Case No. PU-07-722.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-9
Columbus
2008 Phase 9 Construction
Project

Mr. Clark: I move the Commission award a contract to Gratech Company, Ltd. in the amount of \$1,160,963.04 for construction services at the Columbus, Phase 9, abandoned mine land site.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-175
Montana-Dakota Utilities Co.,
a Division of MDU
May 2008
Fuel Cost Adjustment

Discussion Only

Case No. PU-08-177
Otter Tail Corporation
May 2008
Fuel Cost Adjustment

2008 Excellence in Surface Coal
Mining Reclamation Awards
Office of Surface Mining

Mr. Cramer: I move the Commission forward the nomination jointly submitted by The Coteau Properties Company and the Three Affiliated Tribes to the federal Office of Surface Mining for consideration for the 2008 Excellence in Surface Coal Mining Reclamation Awards.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-61
Midcontinent Communications/
Missouri Valley Communications, Inc.
Rural Exemption
Investigation

Mr. Clark: I move the Commission adopt the Notice of Consolidated Hearing for Midcontinent Communications' request for determination concerning Missouri Valley Communications, Inc.'s rural exemption investigation, Case No. PU-08-61 and Missouri Valley Communications, Inc.'s request to suspend or modify interconnection requirements, Case No. PU-08-176.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-176
Missouri Valley Communications, Inc.
Suspend/Modify Interconnection
Requirements
Application

Completion of Probation

Mr. Cramer: I move the approval of a salary increase effective May 1, 2008 for Position No. 4994, upon the satisfactory completion of six month probationary period, in an amount consistent with the terms set forth in the Commission's September 26, 2007 offer of employment.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

New Employee

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Janet Marquart to fill PSC Position No. 5032, Administrative Assistant III, effective April 23, 2008, under the terms specified in the April 8, 2008 written offer of employment.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Revisions to Compensatory Time
Policy

Mr. Cramer: I move the Commission adopt the following revisions to its policy on compensatory time.

With prior approval of the employee's supervisor, an exempt employee will be granted hour for hour compensatory (comp) time for hours worked in excess of 45 hours during a regular work week, Monday through Friday. In addition, if an employee is required to work a weekend day or holiday, the employee will be granted hour for hour comp time for the hours worked on the weekend or holiday.

Also, with prior supervisor approval, comp time may be earned for time spent traveling and attending conferences on weekends and holidays. Weekend travel time eligible to earn comp time must be determined by the most efficient travel method, unless the employee is required to use another method. A maximum of 8 hours per day of comp time may be earned for time spent traveling and attending conferences on weekends and holidays. No comp time will normally be earned for any extra time spent traveling and attending out-of-state conferences Monday through Friday (except for holidays), but special circumstances may be addressed by the supervisor on a case-by-case basis.

Earned comp time should be used as soon as possible, preferably within the same pay period in which it was earned. However, an employee who has earned comp time shall use the earned comp time within 60 days of completion of the project on which the comp time was earned, unless extended by the supervisor. An employee may not earn or use comp time in increments smaller than ½ hour.

In order to receive comp time for extra hours worked an employee must:

- 1) Request and receive prior approval from the employee's supervisor to work the additional hours. This request must include reasons why the required work schedule cannot be accommodated by the PSC's normal flextime policy.

- 2) Provide the supervisor prior notice before taking any comp time for hours that have accrued. Comp time must be taken in a manner that does not interfere with assigned duties and work, and using earned comp time is subject to the supervisor's approval. The hours of comp time taken must be charged to the same project on which they were accrued.

- 3) Report the earning and use of comp time in the same manner as reporting and using holiday time and

other forms of leave.

4) All requests for comp time and all supervisor approvals must be supported by written documentation.

Supervisors have discretion to approve variations from this policy in special situations, so long as the variation does not violate another relevant PSC policy. Under PSC Policy No. 3-11-96(3), the work week begins on Saturday.

Any abuse of the time policy may result in termination of its use and other disciplinary action.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-06-347
STB Simplified Standards - NOPR
Misc. Case

Mr. Clark: I move the Commission pay the amount of \$5,000 toward the cost of the appeal of the STB's decision in the STB's Ex Parte No. 646 (Sub-No. 1), Simplified Standards for Rail Rate Cases.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:52 A.M.

Executive Director

SUSAN E. WEFALD, PRESIDENT