

April 9, 2008

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 9, 2008, 10:00 a.m. Present were Commissioners Wefald, Cramer and Clark.

Minutes

Mr. Cramer: I move the minutes of March 26, 27, 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:

National Conference of Regulatory Attorneys	300.00
Presort Plus	30.47
ND Newspaper Association	893.56
Kyocera Mita America, Inc.	1,794.00
ExecutiveAir TaxiCorporation	1,773.75
House of Color, Inc.	7,747.00
Mike Diller	1,774.24
Susan Richter	12.50
William W. Binek	20.00
John Robbins	671.68
Timothy Erdmann	535.50
Guy Welch	15.00
Stephan A. Schroeder	15.00
William T. Gunnerson	136.85
Mark Knell	75.96
William E. Dodd	741.42
Bruce E. Beechie	35.00
Bruce Johnson	15.00
Tim Oswald	28.70
Phyllis G. Richter	824.75
Leo. D. Praus	260.81
Wayne Grangaard	802.40
Rick Fillbrandt	454.35
Leo Praus 4/08 advance	411.00
Office of Administrative Hearings	335.86
OMB – 3/08 postage	752.89
OMB – 3/08 supplies	300.91
GE Corporate Payment Services	8,574.35

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-776
Northern States Power Company
Electric Rate Increase
Application

Mr. Cramer: I move the Commission permit attorneys Richard J. Johnson and Michael J. Bradley to appear before the Commission pursuant to N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 for the limited purpose of representing Northern States Power Company in Northern States Power Company's Electric Rate Increase Application, Case No. PU-07-776.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission adopt the Order Submitting Proposed Rules to the Attorney General for an opinion as to legality, Public Service Commission Weights and Measures Rulemaking, Case No. WM-07-203.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-136
Kristy L. Mariner
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Kristy L. Mariner, Mandan, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-137
Kristy L. Mariner
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Kristy L. Mariner, Mandan, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-138
David Beckler
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for David Beckler, Bath, South Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-144
Peoples State Bank
Bank Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the bank auction clerk license application for Peoples State Bank, Fairmount, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-145
Ken Grossman dba Grossman
Auctioneers
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Ken Grossman dba Grossman Auctioneers, Wheatland, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-3
Otter Tail Corporation
Large Commercial Time of Day
Tariff

Mrs. Wefald: I move the Commission grant the North Dakota Large Industrial Users Group's Motion to Withdraw from the proceeding, adopt the Stipulation and Agreement filed August 20, 2007, and acknowledge the effectiveness of Otter Tail's revised Large Commercial Time-of-Day rate schedule filed January 26, 2007 in Case No. PU-07-3.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-127
Montana-Dakota Utilities Co.,
a Division of MDU
April 2008
Fuel Cost Adjustment

Discussion Only

Case No. PU-08-133
Otter Tail Corporation
April 2008
Fuel Cost Adjustment

Case No. PU-08-118
Montana-Dakota Utilities Co.,
a Division of MDU
Margin Sharing Adjustment
Rates

Case No. RC-08-57
American Colloid Company
Revision No. 6 - Permit
No. ACPG-9701
Revision

Mr. Cramer: I move the Commission approve Revision No. 6 to Surface Coal Mining Permit No. ACPG-9701, held by American Colloid Company for the Page and Perkins Mines, to identify the next five-year coal removal subareas within the permit area and to update other information and plans in the permit.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-74
American Colloid Company
Renewal #2 - Permit ACPG-9701
Application

Mr. Cramer: I move the Commission approve Renewal No. 2 to Surface Coal Mining Permit No. ACPG-9701, held by the American Colloid Company for the Page Mine, to extend the permit term for another five years, until April 22, 2013.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-139
Northern States Power Company
April 2008
Cost of Gas

Discussion Only

Case No. PU-08-85
Polar Communications Mutual Aid
Corporation
Local Exchange
Public Convenience & Necessity

Mr. Clark: I move the Commission issue a Notice of Opportunity for Hearing in the application of Polar Communications Mutual Aid Corporation for certificates of public convenience and necessity to provide facilities-based incumbent local exchange services in the Gilby, Lakota, Fordville, Edmore, Adams, Pembina and St Vincent exchanges in North Dakota, Case No. PU-08-85.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Revocation of Jurisdictional Pipeline
Policy

Mr. Cramer: I move the Commission revoke its policy on jurisdictional pipelines adopted June 4, 1985.

"The North Dakota Siting Act states that a "transmission facility" means "a gas transmission line and associated facilities designed for and capable of transporting gas ..." The Act (NDCC 49-22) also states that "gas pipeline gathering systems" are exempt and defines them as systems which include "pipelines and associated facilities used to collect gas from the well to the gas processing facility."

Since the Act refers to gas transmission lines in its basic statement of jurisdiction, it appears that the Act was intended to apply to such lines only. We must therefore determine what lines are included or embraced within that term.

Gas transmission lines are generally operated at high pressures and transport large volumes of gas. Such transmission lines are used to transport gas from gas sources such as gas fields and gas processing plants. They are also used to transport to and from gas transmission lines. Their ultimate purpose is to deliver gas to pipelines and systems which are not transmission lines, but rather are pipelines and systems which provide the means for final gas delivery for consumption by the end user.

It is therefore the policy of the Commission, unless specifically otherwise determined, that the following gas pipelines that have or will be constructed in North Dakota are non-jurisdictional under Chapter 49-22, N.D.C.C.:

1. Distribution systems
2. Farm tap pipelines
3. Return fuel lines used in devices and equipment for producing oil and gas

These systems, farm tap pipelines, distribution systems and return fuel lines transport gas. However, they are used for shorter distances at lower pressures and lesser volumes. They generally receive gas from

transmission lines for consumption by the end user.

Based on this distinction in function, the Commission is of the opinion that the mandate of the Legislature requiring the siting of transmission lines does not include these systems."

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 Sheryl Horner to fill PSC Position No. 25988, Programmer/Analyst II, effective April 1, 2008, under the terms specified in the March 3, 2008 written offer of employment.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:10 A.M.

Executive Director

SUSAN E. WEFALD, PRESIDENT