

October 22, 2008

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 22, 2008, 10:00 a.m. Present were Commissioners Wefald, Cramer and Clark.

Minutes

Mr. Cramer: I move the minutes of October 8, 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 Grain & Feed Association | 310.00 |
| IMCC | 100.00 |
| Alltel | 333.07 |
| Gratech Company, Ltd. | 130,502.04 |
| Watford City Ready Mix, Inc. | 481.75 |
| Material Testing Services, LLC | 16,151.50 |
| ND Newspaper Association | 3,002.45 |
| Mike Diller | 821.15 |
| Leo Praus – 11/08 advance | 357.50 |
| Susan Wefald | 80.83 |
| B & C Concrete Pumping, Inc. | 127,870.00 |
| OMB – 9/08 printing | 7.00 |
| OMB – training | 80.00 |
| Attorney General's Office | 1,085.29 |
| DOT – 9/08 | 16,981.24 |
| ITD – 9/08 dp | 3,278.84 |
| ITD – 9/08 ph chgs | 1,595.72 |

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-387
Otter Tail Corporation
2007
Ten Year Plan

Mr. Cramer: I move the Commission acknowledge the withdrawal of Otter Tail Corporation's trade secret request filed in Case No. PU-07-387, Otter Tail Corporation 2007 Ten Year Plan.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-634
Otter Tail Corporation
Brian Berube - Western Edge Sub -
Wilton, ND
Public Convenience & Necessity

Mr. Cramer: I move the Commission acknowledge the request of Otter Tail Corporation to withdraw its application for a Certificate of Public Convenience and Necessity to extend electric service to Brian Berube, to serve Western Edge Subdivision near Wilton, in McLean County, North Dakota, Case No. PU-08-634.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-08-822
North Dakota One-Call
CY 2009 R079-10
Application

Mr. Cramer: I move the North Dakota Public Service Commission submit the calendar year 2009 North Dakota One-Call Grant Application in the amount of \$50,000 to the Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Case No. GS-08-822, North Dakota One-Call, CY 2009 R079-10, Application.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-810
Triple Crown Nutrition, Inc.
Roving Grain Buyer - Wayzata, MN
License Application

Mr. Cramer: I move the Commission approve the roving grain license application for Triple Crown Nutrition, Inc., of Wayzata, Minnesota, effective October 16, 2008.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission adopt the Corrected Findings of Fact, Conclusions of Law, and Order in Case Nos. PU-08-61 and PU-08-176, to include the date the Order was adopted, October 8, 2008.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Annual Public Contact Report and
News Release

Discussion Only

Case No. AM-08-11
AML Maintenance
2008 Construction
Project

Mrs. Wefald: I move the Commission award a contract to Hanson's Excavating, Inc. for the 2008 Sinkholes 4 AML Maintenance project that involves sinkhole filling at several abandoned underground mines in Burleigh, McLean and Ward Counties.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-597
Hartland Wind Farm, LLC
2000 MW Wind Farm - Ward,
Burke, Mountrail
Siting Application

Mrs. Wefald: I move the Commission acknowledge the Letter of Intent and assess a filing fee of \$100,000 due upon the filing of an application in Case No. PU-08-597, Hartland Wind Farm LLC's proposed 2000 MW wind energy facility in Ward, Burke and Mountrail Counties, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-797
Sequoia Energy US Inc.
150Mw Border Winds Energy Project -
Rolette/Towner
Siting Application

Mrs. Wefald: I move the Commission acknowledge the Letter of Intent, shorten the one year waiting period between filing a letter of intent and a siting application to one day, and assess a filing fee of \$100,000 in Case No. PU-08-797, Sequoia Energy US Inc.'s proposed 150 MW wind energy conversion system in Rolette and Towner Counties, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-162
Dakota Westmoreland Corporation
Revision 24, Permit KRSB-8802
Approval

Mr. Cramer: I move the Commission approve Revision No. 24 to Surface Coal Mining Permit KRSB-8802 held by Dakota Westmoreland Corporation to add 54.5 acres to this permit for the Beulah Mine and to update the appropriate sections of the permit for the added area.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-812
Enbridge Pipelines (North Dakota) LLC
Stanley Pump Station Upgrades
Siting Application

Mr. Cramer: I move the Commission acknowledge the letter of intent, shorten the one year waiting period between filing a letter of intent and a siting application to one day, and assess a filing fee of \$30,000 due upon filing of an application in Case No. PU-08-812, Enbridge Pipelines (North Dakota) LLC's proposed Stanley Pump Station upgrades.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-812
Enbridge Pipelines (North Dakota) LLC
Stanley Pump Station Upgrades
Siting Application

Mr. Cramer: I move the Commission issue a Notice of Filing and Notice of Opportunity for Hearing in Case No. PU-08-812, Enbridge Pipelines (North Dakota) LLC's proposed Stanley Pump Station upgrades.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-823
Montana-Dakota Utilities Co.,
a Division of MDU
November 2008
Cost of Gas – Propane

Discussion Only

Case No. PU-08-824
Montana-Dakota Utilities Co.,
a Division of MDU
November 2008
Cost of Gas - Natural Gas

Case No. PU-08-827
Northern States Power Company
October 2008
Cost of Gas

Discussion Only

Case No. GE-08-761
Turtle River Bean Company
a Division of C & F Food
Grain Warehouse - McVile, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-08-761 granting the request of Turtle River Bean Company a Division of C & F Food, City of Industry, California, to operate a 20,000-bushel grain warehouse at McVile, North Dakota, effective October 14, 2008.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-815
Midcontinent Communications/
Consolidated Telcom
Interconnection Agreement
Application

Mr. Clark: I move the Commission issue a Notice of Opportunity to File Written Comments in the application for approval of an interconnection agreement negotiated between Midcontinent Communications and Consolidated Telcom, Case No. PU-08-815.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-08-826
North Central Grain Cooperative
License No. 22 - Agate, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-08-826 granting the request of North Central Grain Cooperative, Bisbee, North Dakota, to discontinue business at Agate, North Dakota, effective November 1, 2008.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Probationary Period Completion

Mr. Clark: I move the approval of a salary increase effective October 1, 2008 for Position No. 25988, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth in the Commission's March 3, 2008 written offer of employment and the employee's March 7, 2008 written acceptance.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Probationary Period Completion

Mr. Clark: I move the approval of a salary increase effective October 23, 2008 for Position No. 5032, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth in the Commission's April 8, 2008 written offer of employment and the employee's April 15, 2008 written acceptance.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Director of Compliance and
Competitive Markets
Continue Interim Appointment

Mr. Clark: I move the Commission continue the appointment of Patrick Fahn as Interim Director of Compliance and Competitive Markets and continue the temporary salary adjustment reflecting this appointment through December 31, 2008, or until filled permanently if earlier than December 31, 2008.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Director of Economic Regulation
Continue Interim Appointment

Mr. Clark: I move the Commission continue the appointment of Mike Diller as Interim Director of Economic Regulation and continue the temporary salary adjustment reflecting this appointment through December 31, 2008, or until filled permanently if earlier than December 31, 2008.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Valuation Fund
Emergency Commission
Request

Mr. Cramer: I move the North Dakota Public Service Commission submit a request to the Emergency Commission for authorization to increase spending authority in special funds by \$100,000 and matching authority in operating for valuation fund expenditures.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Director of Administration/
Executive Secretary
Job Description

Mrs. Wefald: I move the Commission approve the Director of Administration/Executive Secretary job description.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:06 P.M.

Executive Secretary

SUSAN E. WEFALD, PRESIDENT