

December 17, 2008

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 17, 2008, 10:00 a.m. Present were Commissioners Wefald, Cramer and Clark.

Minutes

Mr. Cramer: I move the minutes of December 3, 5, 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:

ND Surplus Property	115.00
Material Testing Services, LLC	10,986.00
Presort Plus	41.74
ND Newspaper Association	1,207.91
Dan's Building Specialties	900.00
John P. Muller Assoc.	1,400.00
DLT Solutions, Inc.	1,624.56
Kevin Cramer	15.00
Timothy Oswald	326.88
OMB – 11/08 supplies	804.29
Attorney General's Office	6.83
ITD – 11/08 ph	1,768.44
ITD – 11/08 dp	4,950.99
OMB – 10/08 postage	576.41

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission close-out Contract Numbers AM-567-08 and AM-569-08 with Hanson's Excavating, Inc. for completion of underground mine sinkhole filling work associated with the Sinkholes 1 and 3 projects in western North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Cramer: I move the Commission extend Contract No. AM-572-08 with Hanson's Excavating, Inc. for underground mine sinkhole filling work associated with the 2008 Sinkholes 4 project.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-443
Tatanka Wind Power, LLC
230 kV Transmission Line/Dickey -
McIntosh Ctys.
Siting Application

WITHDRAWN

Case No. PU-07-26
Langdon Wind, LLC
Wind Farm - Cavalier County
Siting Application

Mr. Cramer: I move the Commission issue a siting application fee interim refund to Langdon Wind LLC in the amount of \$91,269.16, Case No. PU-07-26.

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. Cramer: I move the Commission issue a siting application fee interim refund to Langdon Wind LLC in the amount of \$28,445.63, Case No. PU-07-722.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-32
Ashtabula Wind LLC
Electric Generation/Wind –
Barnes County
Siting Application

Mr. Cramer: I move the Commission issue a siting application fee interim refund to Ashtabula Wind LLC in the amount of \$92,765.09, Case No. PU-08-32; and \$8,744.64, Case No. PU-08-73, for a total refund to Ashtabula Wind LLC in the amount of \$101,509.73.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-73
Ashtabula Wind LLC
230kv Electric Transmission Line
Barnes County
Siting Application

Case No. PU-08-34
M-Power LLC
Electric Generation - Wind -
Griggs/Steele County
Siting Application

Mr. Cramer: I move the Commission issue a siting application fee interim refund to M-Power, LLC in the amount of \$88,200.15, Case No. PU-08-34.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-107
M-Power, LLC
230 kV Transmission Line
Barnes/Steele County
Siting Application

Mr. Cramer: I move the Commission issue a siting application fee interim refund to M-Power, LLC in the amount of \$14,497.87, Case No. PU-08-107.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-791
Enbridge Pipelines (North Dakota) LLC
Pump Station Upgrades
Siting Application

Mr. Cramer: I move the Commission issue a siting application fee interim refund to Enbridge Pipelines (North Dakota) LLC in the amount of \$90,120.41, Case No. PU-07-791.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-916
Tara Mahlen
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Tara Mahlen, Aberdeen, South Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-08-917
Melanie Jane Zimbelman dba
Zimbelman's Gifts
Auction Clerk License
Revocation

Mr. Cramer: I move the Commission issue an order in Case No. AU-08-917 revoking auction clerk license number 595 issued to Melanie Jane Zimbelman dba Zimbelman's Gifts of Granville, North Dakota effective December 6, 2008, for failing to maintain an adequate bond filing.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-373
Qwest Corporation
Non-Impaired Wire Centers
Investigation

Mr. Cramer: I move the Commission acknowledge the request of Qwest Corporation to withdraw its filing for approval of non-impaired wire center designations, Case No. PU-08-373.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-345
Montana-Dakota Utilities Co.,
Division of MDU
Ryan Edwardson, Kidder County,
North Dakota
Public Convenience & Necessity

Mrs. Wefald: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Public Convenience and Necessity No. 5387 to Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. authorizing the extension of electric service to the Doco Subdivision in Kidder County, North Dakota, Case Numbers PU-08-345; PU-08-346; PU-08-347 and PU-08-693.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-346
Montana-Dakota Utilities Co.,
Division of MDU
Corey Fanta, Kidder County,
North Dakota
Public Convenience & Necessity

Case No. PU-08-347
Montana-Dakota Utilities Co.,
Division of MDU
Mike Mittleider, Kidder County,
North Dakota
Public Convenience & Necessity

Case No. PU-08-693
Montana-Dakota Utilities Co.,
Division of MDU
Chad Olson - Deco Subdivision -
Kidder County, ND
Public Convenience & Necessity

Case No. PU-08-742
Otter Tail Corporation
Renewable Resource Cost
Recovery Rider 2009
Tariff

Mrs. Wefald: I move the Commission adopt the Order Granting Trade Secret Protection to Otter Tail Corporation for information relating to cost information contained in the calculation of revenue requirements on Otter Tail's shares of the Langdon Wind Energy Center Facility and the Ashtabula Wind Energy Center Facility, Case No. PU-08-742.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-804
Otter Tail Corporation /
Dakota Valley Electric
Wahpeton Area
Service Area Agreement

Mrs. Wefald: I move the Commission adopt the Order Approving Electric Service Area Agreement and issue Certificate of Public Convenience and Necessity No. 5386 to Otter Tail Corporation authorizing the extension of electric service to customers in areas adjacent to the City of Wahpeton as established by the Service Area Agreement, Case Nos. PU-08-804 and PU-08-851.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-851
Otter Tail Corporation
Wahpeton Area - Service Area
Agreement
Public Convenience & Necessity

Case No. PU-08-862
Otter Tail Corporation
Electric Rate Increase
Application

Mrs. Wefald: I move the Commission issue a Notice of Hearing, Public Input Sessions and Intervention Deadline in Otter Tail Power Company's Electric Rate Increase Application, Case No. PU-08-862.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-897
Otter Tail Corporation
December 2008
Fuel Cost Adjustment

Discussion Only

Case No. RC-08-712
GeoResources, Incorporated
Bond Release 3, Permit GRGR-8403
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 3 for Surface Coal Mining Permit No. GRGR-8403, held by GeoResources, Inc. to release all reclamation liabilities on 50 acres located in portions of Sections 8 and 17, T154N, R100W, Williams County. A monetary bond reduction of \$180,000 is approved and it will become effective January 20, 2009, unless a formal hearing is requested.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-08-788
BNI Coal, Ltd.
Bond Release 3, Permit BNCR - 9401
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 3 for Surface Coal Mining Permit No. BNCR-9401, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 11.62 acres of industrial land located in a portion of Section 5, T141N, R83W, Oliver County. No monetary bond reduction was requested as part of this release and the liability release will become effective January 20, 2009, unless a formal hearing is requested.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-922
Montana-Dakota Utilities Co.,
Division of MDU
January 2009
Cost of Gas – Propane

Discussion Only

Case No. PU-08-924
Montana-Dakota Utilities Co.,
a Division of MDU
January 2009
Cost of Gas - Natural Gas

Case No. PU-08-373
Qwest Corporation
Non-Impaired Wire Centers
Investigation

WITHDRAWN

Case No. PU-08-886
VCI Company
Designated Eligible Carrier
Cancellation / Application

Mr. Clark: I move the Commission permit VCI Company to relinquish its designation as an eligible telecommunications carrier as approved by the Commission in Case No. PU-05-28 in its designated service area, Case No. PU-08-886.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-920
Qwest Performance Assurance Plan
Investigation

Mr. Clark: I move the Commission enter into a contract for services provided by Liberty Consulting Group, Inc. for the review of Qwest Corporation's Performance Assurance Plan, Case No. PU-08-920.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Cramer: I move the Commission authorize an equity salary adjustment for Position No. 5023 effective January 1, 2009.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

Job Descriptions

Mr. Cramer: I move the Commission approve the job descriptions for Director of Compliance and Competitive Markets and Director of Economic Regulation.

Mrs. Wefald: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:25 A.M.

Executive Secretary

SUSAN E. WEFALD, PRESIDENT