

May 20, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 20, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of April 29, May 5, 11, 12, 2009 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Bills

Mr. Clark: I move the following bills, as reviewed by the Commission, be approved and paid:

Snavely King Majors O'Connor & Bedell, Inc.	16,782.50
Mike Diller	1,523.82
Leo Praus 6/09 advance	617.00
Basaraba's Excavating, Inc.	34,412.50
Dakota Sound Systems, Inc.	1,020.00
Executive Air Taxi Corp.	1,815.90
ESRI	19,115.00
NAAML P	50.00
Daily News (News-Monitor)	81.60
ND Newspaper Association	724.91
Presort Plus	314.19
Sybase, Inc.	7,374.67
Alltel	272.52
Kadrmass Lee & Jackson	3,393.63
ND Grain Dealers Association	50.00
Bruce Beechie	22.50
Annette Bendish	7.50
Michael Berg	714.72
William Dodd	189.46
Energy Tech Systems, Inc.	6,100.00
Timothy Erdmann	818.80
Patrick Fahn	269.13
Richard Fillbrandt	676.59
Wayne Grangaard	983.89
Hanson's Excavating, Inc.	8,259.67
Kevin Hanson	1,613.48
Mark Knell	117.55
Timothy Oswald	587.25
JP Robbins	1,158.96
Stephan Schroeder	100.50
Guy Welch	141.00
Andrew Keeler	1,197.53
National Conference of Regulatory Attorneys	355.00
James Deutsch	1,030.40
Anthony T Clark	181.14

Bills Continued

Phyllis Richter	859.50
Leo Praus 4/09 exp	164.12
OMB – 3/09 ups	36.74
ITD – 4/09 ph chgs	1,685.63
OMB – training	182.50
OMB – 4-09 postage	525.08
OMB – 4/09 central duplicating	71.14
OMB – 4/09 supplies	191.23
ITD – 4/9 microfilm	1,437.60
Office of Administrative Hearings	1,511.36
DOT	14,354.03
ITD – 4/09 dp	3,773.81
JP Morgan Chase & Company	9,346.69
Mr. Kalk: I second the motion.	
Roll Call: All voting "Aye."	

Case No. AM-09-26
Williams County Road 9
2009 Phase 4 Construction
Project

Mr. Clark: I move the Commission close out Contract No. AM-577-09 with the Williams County Abstract Company and waive placing any liens on properties at the Williams County Road 9, Phase 4, 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. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-09-195
Travis James Schweitzer
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Travis James Schweitzer, Bismarck, North Dakota.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-09-196
Travis James Schweitzer
Auction Clerk
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for Travis James Schweitzer, Bismarck, North Dakota.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-09-197
Christine Traeger
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Christine Traeger, Bainville, Montana.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. AU-09-198
VanDerBrink Auctions, LLC
Auction Clerk
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for VanDerBrink Auctions, LLC, Hardwick, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-199
Joseph McMullen
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Joseph McMullen, Plummer, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-200
Scott McMullen
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Scott McMullen, Thief River Falls, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-201
Jennifer McMullen
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Jennifer McMullen, Thief River Falls, Minnesota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-09-203
Alphonse Fleck
Auctioneer
License Application

Mr. Clark: I move the Commission approve the auctioneer license application for Alphonse Fleck, Mandan, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-48
Otter Tail Corporation
Dwight Fraedrich - Cass County, ND
Public Convenience & Necessity

Mr. Clark: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to Dwight Fraedrich at a location in Cass County, North Dakota, Case No. PU-09-48.

Mr. Kalk: 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. until June 30, 2009 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. RC-09-176
Dakota Westmoreland Corporation
Notice of Violation 0902
Violation

Mr. Cramer: I move the Commission assess a proposed penalty for Notice of Violation No. 0902 issued to the Dakota Westmoreland Corporation at the Beulah Mine and schedule an informal conference in the matter.

Mr. Kalk: 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 authorize staff to write change orders to Contract No. AM-572-08 with Hanson's Excavating, Inc. to increase the amount of the contract by an additional \$10,000 for underground mine sinkhole filling work associated with the 2008 Sinkholes 4 project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-908
Northern States Power Company
Advance Determination of Prudence -
Merricourt
Application

Withdrawn

Case No. PU-09-73
M-Power, LLC / Otter Tail Corporation
Transfer of Site Certificate
Siting Application

Mr. Clark: I move the Commission adopt the Order Reissuing Certificates and Permit in the joint application of M-Power, LLC and Otter Tail Corporation for transfer of Certificate of Site Compatibility No. 9, and for transfer of Corridor Certificate No. 106 and Route Permit No. 116, to Otter Tail Corporation for its ownership of the 49.5 MW Phase II portion of the Luverne Wind Farm and associated transmission facilities in Barnes and Steele Counties of North Dakota, Case Nos. PU-09-73 and PU-09-136.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-175
Telecommunications Relay Service
Misc. Case

Mr. Kalk: I move the commission publish notice of the 2009-2010 Telecommunications Relay Service Surcharge in the daily newspapers of general circulation in the state of North Dakota, Case No. PU-09-175.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Clark: I move the Commission authorize a reclassification salary adjustment effective May 1, 2009 for Position No. 4994, consistent with the Executive Secretary's written memo dated May 1, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Otter Tail Corporation for specific costs and expenses incurred in Case No. PU-06-481, Otter Tail Corporation, Advance Determination of Prudence, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Montana-Dakota Utilities Co. for specific costs and expenses incurred in Case No. PU-06-482, Montana-Dakota Utilities Co., Advance Determination of Prudence, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Northern States Power Company for specific costs and expenses incurred in Case No. PU-07-776, Northern States Power Company, Electric Rate Increase, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Otter Tail Corporation for specific costs and expenses incurred in Case No. PU-08-742, Otter Tail Corporation, Renewable Resource Cost Recovery Rider 2009, Tariff.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Midcontinent Communications and Consolidated Telcom for specific costs and expenses incurred in Case No. PU-08-815, Midcontinent Communications/Consolidated Telcom Interconnection Agreement, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Otter Tail Corporation for specific costs and expenses incurred in Case No. PU-08-862, Otter Tail Corporation, Electric Rate Increase, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Halstad Telephone Company for specific costs and expenses incurred in Case No. PU-08-872, Halstad Telephone Company, Designated Eligible Carrier, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Northern States Power Company for specific costs and expenses incurred in Case No. PU-08-907, Northern States Power Company, Advance Determination of Prudence – Nobles, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Utility Valuation Billing

Mr. Clark: I move the Commission bill Northern States Power Company for specific costs and expenses incurred in Case No. PU-08-908, Northern States Power Company, Advance Determination of Prudence – Merricourt, Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.

Executive Secretary

KEVIN CRAMER, PRESIDENT