

October 14, 2009

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 14, 2009, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Clark: I move the minutes of September 29, 30, 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:

Spherion Corporation	736.30
Presort Plus	13.17
Pacer Service Center	13.20
Rick Fillbrandt	1,278.91
Alan Moch	7.50
JP Robbins	602.69
Wayne Grangaard	591.65
Phyllis G. Richter	854.18
Leo D. Praus	416.85
Timothy Erdmann	1,136.61
Illona Jeffcoat-Sacco	167.40
William T. Gunnerson	117.92
Stephan A. Schroeder	92.89
Mark Knell	665.67
Guy Welch	120.90
Ray Kelsch	1,159.19
Bruce Johnson	52.01
Bruce Beechie	15.00
William E. Dodd	779.82
Kevin Hanson	1,563.33
Brian P. Kalk	575.90
Fugro Horizons, Inc.	12,130.00
Darrell Nitschke	251.52
Tim Oswald	1,247.00
Kyocera Mita America, Inc.	4,996.00
Kevin Cramer	108.50
James Deutsch	583.51
Alltel	355.18
Material Testing Services, LLC	13,661.00
IMCC	125.00
Agri Industries, Inc.	150,998.85
Kadrmass Lee & Jackson	2,494.90
Anthony Clark	346.49
OMB – 9/09 supplies	412.10
ITD – 9/09 forms design	6.30
ITD – 9-09 phone	1,561.67
DOT	14,143.31

## Bills Continued

ITD – 9/09 dp	6,722.98
OMB – 9/09 postage	282.44
JP Morgan Chase & Company	4,540.55

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

Case No. GS-09-67  
2009 Gas Pipeline Safety Rules  
Rulemaking

Mr. Clark: I move the Commission adopt the Order in Case No. GS-09-67 and Case No. RC-09-543, submitting the proposed rules to the Attorney General for an opinion as to legality.

Case No. RC-09-543  
Reclamation  
Rulemaking

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

Case No. PU-08-75  
Basin Electric Power Cooperative, Inc.  
Electric Generation/Wind –  
Ward County  
Siting Application

Mr. Clark: I move the Commission acknowledge the October 7, 2009 staff approval of Basin Electric Power Cooperative's request filed October 5, 2009, for changes in locations of wind turbine no. D47 in its PrairieWinds ND1 project in Ward County, North Dakota, Case No. PU-08-75.

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

Case No. PU-09-659  
Northern States Power Company  
Advance Determination of Prudence –  
Bay Front  
Application

Mr. Clark: I move the Commission adopt the Order Granting Trade Secret Protection in Northern States Power Company's application for advance determination of prudence for its Bay Front biomass gasification for electric power generation project, Case No. PU-09-659.

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

Case No. AU-09-669  
Paul McCartan  
Auction Clerk  
License Application

Mr. Clark: I move the Commission approve the auction clerk license application for Paul McCartan, Spring Valley, Minnesota.

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

Case No. AU-09-675  
Jeremy Ferderer  
Auctioneer License  
Revocation

Mr. Clark: I move the Commission issue an order in Case No. AU-09-675 revoking auctioneer license number 886 issued to Jeremy Ferderer of Bismarck, North Dakota effective October 8, 2009, for failing to maintain an adequate bond filing.

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

Case No. PU-08-627  
Northern States Power Company  
Meter Malfunctions  
Investigation

Mr. Clark: I move the Commission adopt the Order Granting Trade Secret Protection in Northern States Power Company Meter Malfunctions Investigation, Case No. PU-08-627.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Abandoned Mine Land Program  
2009 OSM Evaluation Report

Mr. Cramer: I move the Commission accept the federal Office of Surface Mining's 2009 Evaluation Report for the Abandoned Mine Land Program.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-06-407  
Royal Oak Enterprises, Incorporated  
Bond Release 3, Permit ROJK-8701  
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 3 for Surface Coal Mining Permit No. ROJK-8701 held by Royal Oak Enterprises, Inc. to release all remaining reclamation liabilities on 116.17 acres located in the NE $\frac{1}{4}$  of Section 3, T140N, R96W, in Stark County. The amount of the bond release is \$223,445 and it will become effective November 16, 2009, unless a formal hearing is requested.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-08-10  
Williams County Rd 9  
2008 Phase 3 Construction  
Project

Mr. Cramer: I move the Commission close-out Contract No. AM-560-08 with B & C Concrete Pumping, Inc. for completion of work at the Williams County Road 9, Phase 3, Abandoned Mine Land reclamation project.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-153  
Hawthorn Oil Transportation (North  
Dakota), Inc.  
8- inch Crude Oil Pipeline – Mountrail  
County  
Siting Application

Mr. Cramer: I move the Commission deem the application complete and issue a Notice of Filing and Notice of Hearing in the application of Hawthorn Oil Transportation (North Dakota), Inc.'s application for a certificate of corridor compatibility and a route permit authorizing the construction of an eight inch crude oil pipeline in Mountrail County, North Dakota, Case No. PU-09-153.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-09-582  
AML Maintenance  
2009 Construction  
Project

Mr. Cramer: I move the Commission award a contract to Basaraba Excavating & Dirt Works, LLC, for the 2009 Maintenance Sinkhole Filling AML Project that involves filling sinkholes at several abandoned underground coal mine sites in western North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-663  
Hawthorn Oil Transportation (North  
Dakota), Inc.  
4.5 - Inch Condensate Pipeline /  
Mountrail Cty  
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 \$15,000 due upon the filing of an application in Case No. PU-09-663, Hawthorne Oil Transportation (North Dakota), Inc.'s proposed 4.5 inch condensate pipeline in Mountrail County, North Dakota.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-09-662  
Hankinson Renewable Energy, LLC  
Grain Warehouse - Hankinson, ND  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-09-662 granting the request of Hankinson Renewable Energy, LLC to operate a 1,141,000-bushel grain warehouse at Hankinson, North Dakota, effective October 2, 2009.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RR-09-651  
BNSF Railway Company  
Review of Private RR Crossings  
Application

Mr. Clark: I move the Commission issue a Notice of Hearing in BNSF Railway Company's application for review of private railroad crossings, Case No. RR-09-651.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-668  
NextEra Energy Resources, LLC  
99 mW Baldwin Wind Energy Center -  
Burleigh Cty.  
Siting Application

Mr. Clark: 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 three weeks, and assess a filing fee of \$100,000 due upon the filing of an application in Case No. PU-09-668, NextEra Resources, LLC's proposed Baldwin Wind Energy Center in Burleigh County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-674  
Otter Tail Power Company  
230 kV Electric Transmission Line –  
Sargent Cty  
Siting Application

Mr. Clark: 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 three weeks, and assess a filing fee of \$5,000 due upon the filing of an application in Case No. PU-09-674, Otter Tail Power Company's proposed reroute of a 0.53 mile segment of its Hankinson-Ellendale 230 kV transmission line in Sargent County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.

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Executive Secretary

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KEVIN CRAMER, CHAIRMAN