

July 14, 2010

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 14, 2010, 10:00 a.m. Present were Commissioners Cramer, Clark and Kalk.

Minutes

Mr. Cramer: I move the minutes of June 25, 30, 2010 be approved.

Mr. Kalk: 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:

|                                  |           |
|----------------------------------|-----------|
| Presort Plus                     | 9.88      |
| Newman Outdoor Advertising       | 1,000.00  |
| ND Newspaper Association         | 3,593.69  |
| Smith Contracting, Inc.          | 18,672.16 |
| Basaraba Excavating & Dirt Works | 24,000.00 |
| Wayne Grangaard                  | 897.49    |
| JP Robbins                       | 859.87    |
| Phyllis G. Richter               | 1,071.95  |
| Leo Praus                        | 165.25    |
| James R. Deutsch                 | 462.46    |
| Anthony T. Clark                 | 28.70     |
| Michael McNamee                  | 1,048.80  |
| Bob A. Bachmeier                 | 517.38    |
| Michael Berg                     | 125.00    |
| Tim Oswald                       | 1,086.26  |
| Raymond Kelsch                   | 1,759.90  |
| Timothy Erdmann                  | 938.80    |
| Dean K. Moos                     | 15.00     |
| William E. Dodd                  | 207.41    |
| Brad Lavold                      | 1,365.00  |
| Matthew Klingenstein             | 77.00     |
| William T. Gunnerson             | 82.50     |
| Guy Welch                        | 15.00     |
| Bruce Beechie                    | 37.50     |
| Bruce Johnson                    | 37.50     |
| Stephan A. Schroeder             | 15.00     |
| Mark Knell                       | 1,072.52  |
| Hub International of ND          | 50.00     |
| B&C Concrete Pumping, Inc.       | 7,017.95  |
| Smith Contracting, Inc.          | 66,559.34 |
| IMCC                             | 14,394.00 |
| NARUC                            | 8,257.00  |
| Bain Agency, Inc.                | 513.00    |
| OMB – 6/10 supplies              | 495.07    |
| ND Insurance Department          | 459.98    |
| OMB – 6/10 printing              | 31.00     |
| ITD – 6/10 phone                 | 1,528.07  |

|       |                                |           |
|-------|--------------------------------|-----------|
| Bills | OMB – 6/10 postage             | 536.31    |
|       | DOT – 6/10                     | 16,321.89 |
|       | ND Geological Survey           | 1,485.84  |
|       | ITD – 6/10 dp                  | 5,453.25  |
|       | Attorney General’s Office      | 23.31     |
|       | Mr. Kalk: I second the motion. |           |
|       | Roll Call: All voting "Aye."   |           |

Case No. AM-09-27  
 Hazen West  
 2009 Phase 2 Construction  
 Project

Mr. Cramer: I move the Commission close out Contract No. AM-585-09 with the Mercer County Soil Conservation District for completion of tree planting at the 2009 Hazen West Phase 2 Abandoned Mine Lands project.

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

Case No. AD-10-139  
 2011 - 2013  
 Budget

Mr. Cramer: I move the Commission submit the 2011 - 2013 Information Technology Plan to the Information Technology Department.

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

Case No. AU-10-381  
 Robert E. "Bob" Penfield  
 Auctioneer  
 License Application

Mr. Cramer: move the Commission approve the auctioneer license application for Robert E. "Bob" Penfield, Bowman, North Dakota.

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

Case No. AU-10-382  
 Penfield Auctions  
 Auction Clerk  
 License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Penfield Auctions, Bowman, North Dakota.

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

Case No. PU-09-528  
 Ashtabula Wind II, LLC  
 Luverne Wind Farm South Field –  
 Griggs/Steele  
 Siting Application

Mr. Cramer: I move the Commission approve Ashtabula Wind II, LLC’s tree mitigation plan filed June 28, 2010, Case No. PU-09-528.

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

Case No. GE-10-380  
 FGDI L.L.C.  
 Roving Grain Buyer –  
 Bowling Green, OH  
 Discontinue Business

Mr. Cramer: I move the Commission issue an order in Case No. GE-10-380 cancelling roving grain buyer license number 3062 issued to FGDI, LLC and ordering that all North Dakota roving grain buyer activities be discontinued effective immediately.

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

Case No. GE-10-365  
Agrex, Inc. dba FGDI  
Roving Grain Buyer –  
Overland Park, KS  
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application in Case No. GE-10-365 for Agrex, Inc. doing business as FGDI of Overland Park, Kansas, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-10-423  
Wayne A. Trottier  
Auctioneer  
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Wayne A. Trottier, Northwood, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-157  
Turtle Mountain Comm. /  
Midcontinent Comm.  
Rural Exemption  
Investigation

Mr. Cramer: I move the Commission grant Midcontinent Communications' request to withdraw its request for a determination of rural exemption and issue a Notice of Cancellation of Formal Hearing, Case No. PU-10-157.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-120  
Hess Corporation  
Tioga Gas Plant Addition –  
Williams Cty  
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 Hess Corporation for a certificate of site compatibility for the Tioga Gas Plant in Williams County, North Dakota, Case No. PU-10-120.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-668  
Baldwin Wind, LLC  
102 MW Baldwin Wind Energy  
Center - Burleigh Cty.  
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 16 to Baldwin Wind, LLC authorizing construction of its proposed 102.4 MW Baldwin Wind Energy Center in Burleigh County, North Dakota, Case No. PU-09-668.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-291  
Gavilon Grain, LLC  
Facility-Based Grain Buyer  
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-10-291 granting the request of Gavilon Grain, LLC, Omaha, Nebraska, to operate its grain warehouse referred to as Jamestown East, North Dakota, as a facility-based grain buyer.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-379  
CHS, Inc.  
Facility-Based Grain Buyer –  
Coteau, ND  
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-10-379 cancelling facility-based grain buyer license number 2035 issued to CHS, Inc., St. Paul, Minnesota, at the Coteau, North Dakota location and ordering that business at Coteau, North Dakota is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-334  
Otter Tail Power Company /  
McLean Electric Coop  
Garrison Area  
Service Area Agreement

Mr. Kalk: I move the Commission issue a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity for Hearing in the joint application of Otter Tail Power Company and McLean Electric Cooperative, Inc. for approval of an electric service area agreement and resulting issuance of a certificate of public convenience and necessity to establish service areas and designate service locations to be served by Otter Tail and McLean Electric around the City of Garrison, North Dakota, Case Nos. PU-10-334 and PU-10-417.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-417  
Otter Tail Power Company  
Garrison Area - Service Area  
Agreement  
Public Convenience & Necessity

Case No. PU-10-387  
Turtle Mountain Comm., Inc. /  
Midcontinent Comm.  
Interconnection Agreement  
Amendment  
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Comment in the application for approval of an interconnection agreement amendment negotiated between Turtle Mountain Communications, Inc. and Midcontinent Communications, Case No. PU-10-387.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-724  
Oliver Wind III, LLC  
230 kV Transmission Line –  
Oliver & Morton  
Siting Application

Mr. Cramer: I move the Commission request legal assistance from the Office of the Attorney General regarding Oliver Wind III, LLC's 230 kV transmission line siting application, Case No. PU-09-724.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-370  
CPV Ashley Renewable Energy  
Company, LLC  
Ashley Wind Power - Power Project -  
McIntosh Cty  
Siting Application

Mr. Cramer: I move the Commission request legal assistance from the Office of the Attorney General regarding CPV Ashley Renewable Energy Company, LLC's Ashley Wind Power project siting application, Case No. PU-09-370.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-120  
Hess Corporation  
Tioga Gas Plant Addition –  
Williams Cty  
Siting Application

Mr. Cramer: I move the Commission request legal assistance from the Office of the Attorney General regarding the application of Hess Corporation for a certificate of site compatibility for the Tioga Gas Plant in Williams County, North Dakota, Case No. PU-10-120.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Resignation - Attorney II

Mr. Cramer: I move the Commission accept, with regret, the resignation of Annette Bendish, Attorney II, effective July 31, 2010.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

New Hire - ARRA Grant  
Public Utility Analyst

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Annette Bendish to fill the Public Utility Analyst position under the ARRA grant, effective August 1, 2010, under the terms specified in the June 30, 2010 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Post-Probationary Period Salary  
Adjustment

Mr. Cramer: I move the approval of a salary increase effective July 4, 2010 for Position No. 4993, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth in the Commission's December 9, 2009 offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Post-Probationary Period Salary  
Adjustment

Mr. Cramer: I move the approval of a salary increase effective July 4, 2010 for Position No. 4012, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth in the Commission's December 17, 2009 offer of employment and the employee's December 21, 2009 written acceptance.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Attorney General's Office  
Legal Assistance

Mr. Cramer: I move the Commission acknowledge the Commission's request to the Attorney General's office to provide legal assistance in Organic Grain and Milling LLC, Grain Warehouse, Clyde, North Dakota, Insolvency, Case No. GE-10-327, and that Doug Anderson, Assistant Attorney General, has been assigned to assist the Commission in this proceeding.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

New Hire - Office Assistant III

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Geralyn Schmaltz to fill Position No. 5000, Office Assistant III, effective August 1, 2010, under the terms specified in the July 8, 2010 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Legislative Salary Adjustment

Mr. Cramer: I move the Commission; consistent with the intent of the 2009 Legislature, grant a salary increase effective July 1, 2010 to all non-probationary, permanent employees whose documented performance levels meet standards, as specified in the Executive Secretary's written summary of the Commission's July 14, 2010 working session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Work Load Salary Adjustments  
(Retroactive)

Mr. Cramer: I move the Commission; grant work load adjustments retroactive to April 1, 2010 to the persons occupying position numbers; 5003, 5027 and 4994 as specified in the Executive Secretary's written summary of the Commission's July 14, 2010 working session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Work Load Salary Adjustment

Mr. Cramer: I move the Commission; grant work load adjustment effective July 1, 2010 to the person occupying position number; 5013 as specified in the Executive Secretary's written summary of the Commission's July 14, 2010 working session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:17 A.M.

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Executive Secretary

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KEVIN CRAMER, CHAIRMAN