

July 13, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 13, 2011, 10:00 a.m. Present was Commissioner Kalk. Commissioner Clark and Cramer participated by telephone and authorized their administrative assistants to sign orders on their behalf.

Minutes

Mr. Kalk: I move the minutes of June 22, July 5, 2011 be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-87  
Adams Group, Inc.  
Roving Grain Buyer - Arbuckle, CA  
License Application

Mr. Kalk: I move the Commission approve the roving grain buyer license application in Case No. GE-11-87 for Adams Group, Inc., Arbuckle, California, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-371  
Harvey Hegvick  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Harvey Hegvick, West Fargo, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-372  
Sid O. Stromme  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Sid O. Stromme, Manhattan, Montana.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-373  
Sid O. Stromme  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Sid O. Stromme, Manhattan, Montana.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-670  
Minnkota Power Cooperative, Inc.  
345 kV Transmission Line –  
Center to Grand Forks  
Siting Application

Mr. Kalk: I move the Commission close the Public Hearing held June 24, 2011 in Case No. PU-09-670, Minnkota Power Coop, Inc.'s proposed 345 kV electric transmission line from Center to Grand Forks, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-124  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Electric Rate Increase  
Application

Mr. Kalk: I move the Commission approve  
Montana-Dakota Utilities Co.'s compliance Filing in the  
Electric Rate Increase application, Case No. PU-10-124.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-156  
Otter Tail Power Company  
Minnewaukan Public School –  
Benson County  
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order  
and issue a Certificate of Public Convenience and  
Necessity authorizing Otter Tail Power Company to  
extend electric service to the Minnewaukan Public  
School at a location in Benson County, North Dakota,  
Case No. PU-11-156.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-234  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Cogeneration / Small Power Producer  
Rates

Mr. Kalk: I move the Commission approve  
Montana-Dakota Utilities Co.'s updated  
Cogeneration/Small Power Producer rates,  
Case No. PU-11-234.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-28  
Columbus  
2011 Phase 12 Construction  
Project

Mr. Kalk: I move the Commission closeout Contract  
No. AM-603-11 with ACR Consultants, Inc. for the  
cultural resource survey that was completed for the  
areas to be affected by the 2011 Columbus Phase 11  
and Phase 12 AML construction projects.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-29  
Columbus  
2011 Phase 11 Construction  
Project

Case No. PU-10-164  
Montana-Dakota Utilities Co.,  
a Division of MDU  
230kV Transmission Line –  
McIntosh, Dickey County  
Siting Application

Mr. Kalk: I move the Commission adopt the order  
granting the application for a waiver of procedures and  
time schedules, and issuing Corridor Certificate No 120  
and Route Permit No 130 to Montana-Dakota Utilities  
Co. authorizing the construction of approximately 30  
miles of 230 kV electric transmission line and associated  
facilities in McIntosh & Dickey Counties of North Dakota,  
Case No. PU-10-164.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-296  
Demeter (1993) Inc. dba  
Viterra Grain Warehouse - Minot, ND  
License Application

Mr. Kalk: I move the Commission issue an order in Case No. GE-11-296 granting the request of Demeter (1993) Inc. dba Viterra to operate a 211,000-bushel grain warehouse at Minot, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-368  
Hi-Line Farmers Union Grain Company  
License No. 498 - Peak, ND  
Discontinue Business

Mr. Kalk: I move the Commission issue an order in Case No. GE-11-368 cancelling warehouse license number 498 issued to Hi-Line Farmers Union Grain Company at Peak, North Dakota and ordering that business at Peak, North Dakota is discontinued effective immediately.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-369  
Maple River Grain and Agronomy, LLC  
Grain Warehouse - Peak, ND  
License Application

Mr. Kalk: I move the Commission issue an order in Case No. GE-11-369 granting the request of Maple River Grain and Agronomy, LLC to operate a 1,101,000-bushel grain warehouse at Peak, North Dakota, effective immediately.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-379  
Earth Harvest Mills, Inc. dba  
Dakota Prairie Organ  
License No. 1155 - Harvey, ND  
Suspension

Mr. Kalk: I move the Commission, under N.D.C.C. § 60-02-35.1, adopt the Order Suspending Warehouse License Number 1155 of Earth Harvest Mills, Inc. dba Dakota Prairie Organic Flour Company, at their Harvey, North Dakota warehouse, effective July 7, 2011, for lack of an adequate insurance policy, and issue a Notice of Opportunity to be Heard in Case No. GE-11-379.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-379  
Earth Harvest Mills, Inc. dba  
Dakota Prairie Organ  
License No. 1155 - Harvey, ND  
Suspension

Mr. Kalk: I move the Commission, under N.D.C.C. § 60-02-10.1, adopt the Order Authorizing Limited Operations, as requested by Earth Harvest Mills, Inc. dba Dakota Prairie Organic Flour Company in Case No. GE-11-379.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-649  
Kindred Plumbing and Heating  
Damage Prevention Enforcement

WITHDRAWN

Case No. PU-11-86  
New Cingular Wireless PCS, LLC  
Designated Eligible Carrier  
Application

Mr. Kalk: I move the Commission adopt the Order designating New Cingular Wireless PCS, LLC as an eligible telecommunications carrier for the purpose of receiving federal universal service support, Case No. PU-11-86.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-230  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Disposal of Franchise,  
Works and System - White Earth  
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to transfer its distribution franchise, works and system used in the provision of electric distribution service within the community of White Earth, North Dakota to Mountrail-Williams Electric Cooperative, and for release of its authority and obligation to provide electric service to White Earth, Case No. PU-11-230.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-344  
MDU / Mountrail-Williams  
Electric Coop  
Williston 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 Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) and Mountrail-Williams Electric Cooperative (Mountrail-Williams) for approval of a service area agreement and resulting issuance of certificate of public convenience and necessity to establish locations and designate service locations to be served by Montana-Dakota and Mountrail-Williams within the City of Williston, North Dakota, and surrounding areas, Case Nos. PU-11-344 and PU-11-374.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-374  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Williston Area –  
Service Area Agreement  
Public Convenience & Necessity

Case No. PU-10-633  
Lakeside Construction –  
Richard Strand Owner  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Lakeside Construction, Case No. PU-10-633.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-750  
Bridger Pipeline LLC  
Crude Oil Pipeline –  
McKenzie, Dunn, Billings  
Siting Application

Mr. Cramer: I move the Commission issue a contract to Wenck Associates, Inc. for construction inspection services regarding Bridger Pipeline LLC's crude oil pipeline in McKenzie, Dunn and Billings Counties in North Dakota, Case No. PU-09-750.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-107  
Coteau Properties Company  
Renewal No. 5, Permit NACT - 8503  
Approval

Mr. Cramer: I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. NACT-8503, held by The Coteau Properties Company for the Freedom Mine, to extend the permit term for an additional five years until August 7, 2016.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Environmental Scientist III  
Retirement

Mr. Kalk: I move the Commission acknowledge the retirement of Stephan Schroeder effective July 8, 2011.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Temporary Weights and Measures  
Inspector  
Resignation

Mr. Cramer: I move the Commission accept, with regret, the resignation of Joshua Miller, temporary Weights and Measures Inspector effective June 28, 2011.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Performance Bonuses

Mr. Kalk: I move the Commission award a performance bonus to the employees in position numbers 4995, 5002, 5011, 5004, 5032, 5025, 5024, and 5019 consistent with the Accounting Manager's written summary of the Commission's July 5, 2011 work session.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustments

Mr. Cramer: I move the Commission, consistent with the intent of the 2011 Legislature, grant a salary increase effective July 1, 2011 to all non-probationary, permanent employees whose documented performance levels meet standards as specified in the Accounting Manager's written summary of the Commission's July 5, 2011 work session.

Separate from the July 1, 2011 salary increases, positions 5002, 5003, 5011, and 5004 are granted an equity adjustment effective July 1, 2011 and applied after the general increase as specified in the Accounting Manager's written summary of the Commission's July 5, 2011 work session.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:45 A.M.

---

Executive Secretary

---

TONY CLARK, CHAIRMAN