

April 25, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 25, 2012, 10:00 a.m. Present were Commissioners Clark, Kalk and Cramer.

Minutes

Mr. Cramer: I move the minutes of April 11, 19, 2012 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-156
Richard A. Berens
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Richard A. Berens, Fish Tail, Montana.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-59
Northern States Power Company
Advance Determination of Prudence -
Geronimo Wind
Application

Mr. Cramer: I move the Commission contract with La Capra Associates, Inc. for consulting services in Northern States Power Company's Advance Determination of Prudence Geronimo Wind Application, Case No. PU-12-59.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-657
Northern States Power Company
2011 Electric Rate Increase
Application

Mr. Cramer: I move the Commission approve Northern States Power Company's Compliance Rates, to be effective with services rendered on or after May 1, 2012, in the Electric Rate Increase applications in Case Nos. PU-10-657 and PU-11-55 and the Compliance Refund, to be distributed to NSP customers during the month of June, 2012, in the Customer Credit – DOE Settlement application in Case No. PU-11-557.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-55
Northern States Power Company
2012 Electric Rate Increase
Application

Case No. PU-11-557
Northern States Power Company
Customer Credit - DOE Settlement
Application

Case No. PU-12-66
Montana-Dakota Utilities Co.,
a Division of MDU
Air Liquide Industrial U.S. L.P.
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Air Liquide Industrial U.S. L.P. at a location in Williams County, North Dakota, Case No. PU-12-66.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-75
Montana-Dakota Utilities Co.,
a Division of MDU
Samsom Resource - Mountrail County
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Samson Resource at a location in Mountrail County, North Dakota, Case No. PU-12-75.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-98
Montana-Dakota Utilities Co.,
a Division of MDU
HKE Enterprise - McKenzie County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to HKE Enterprise at a location in McKenzie County, North Dakota, Case No. PU-12-98.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-127
Montana-Dakota Utilities Co.,
a Division of MDU
Watworth Brothers Construction-
Stark County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Watworth Brothers Construction at a location in Stark County, North Dakota, Case No. PU-12-127.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-131
Montana-Dakota Utilities Co.,
a Division of MDU
Wayne Hepper- Morton County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Wayne Hepper at a location in Morton County, North Dakota, Case No. PU-12-131.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-683
ONEOK Rockies Midstream, L.L.C.
Stateline to Riverview NGL Pipeline -
Williams Cty
Siting Application

Mr. Cramer: I move the Commission execute a contract with Wenck Associates, Inc. for construction inspection services concerning ONEOK Rockies Midstream, L.L.C.'s construction of 13 miles of 10.75-inch natural gas liquids pipeline in Williams County, North Dakota, Case No. PU-11-683.

Mr. Kalk: 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. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing First Amended Corridor Certificate No. 121 and Route Permit No. 144 to Minnkota Power Cooperative, Inc. authorizing construction of its proposed 345 kV electric transmission line from Center to Grand Forks, North Dakota. Case No. PU-09-670.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-163
Montana-Dakota Utilities Co.,
a Division of MDU
Advance Determination of Prudence -
Big Stone Air
Application

WITHDRAWN

Case No. PU-11-165
Otter Tail Power Company
Advance Determination of Prudence -
Big Stone Air
Application

Case No. PU-11-69
Meadowlark Wind I, LLC
New Frontier Wind Energy Project -
McHenry County
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 29 to Meadowlark Wind I, LLC, authorizing construction of its proposed 102 MW New Frontier Wind Energy Project in McHenry County, North Dakota, Case No. PU-11-69.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-159
Dakota Midland Grain, LLC
License No. 1074 - Minot, ND
Discontinue Business

Mr. Clark: I move the Commission adopt an order in Case No. GE-12-159 cancelling warehouse license number 1074 issued to Dakota Midland Grain, LLC at Minot, North Dakota and ordering that business at Minot is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-62
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Case No. PU-12-63
Dakota Central Telecommunications
Cooperative
Switched Access

Case No. PU-12-104
BEK Communications Cooperative
Switched Access
Price Schedule

Case No. PU-12-135
Capital Building One Bismarck, LLC
Master Meter Waiver
Approval

Case No. PU-11-682
Otter Tail Power Company
Transmission Facility Cost Recovery
Tariff

Case No. PU-11-153
Otter Tail Power Company
Transmission Facility Cost Recovery
Rates

Case No. PU-11-701
North Central Electric Cooperative,
Incorporated
vs. Otter Tail Power Company
Complaint

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing concerning Dakota Central Telecom I, Inc.'s switched access price schedule, Case No. PU-12-62, Dakota Central Telecommunications Cooperative's switched access price schedule, Case No. PU-12-63, and BEK Communications Cooperative's switched access price schedule, Case No. PU-12-104.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission adopt the Order granting Capital Building One Bismarck, LLC's petition to master meter electric service, Case No. PU-12-135.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission adopt the Order concerning Otter Tail Power Company's transmission facility cost recovery tariff, Case No PU-11-682, and Otter Tail Power Company's transmission facility cost recovery rates, Case No PU-11-153.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission issue a Notice of Hearing in the complaint of North Central Electric Cooperative vs Otter Tail Power Company regarding the provision of electric service to the Sky Dancer Hotel and Casino on the Turtle Mountain Reservation, Case No. PU-11-701.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-621
Coteau Properties Company
Bond Release No. 1,
Permit NACT - 9501
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 1 for Surface Coal Mining Permit NACT-9501, held by The Coteau Properties Company for the Freedom Mine, to release all reclamation liabilities on 39.72 acres of land located in the NW¼ of Section 5, T145N, R87W, Mercer County. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition at the Freedom Mine. This release will become effective May 29, 2012, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-40
Plains Pipeline, L.P.
Nelson to Ross Pipeline –
Mountrail County
Siting Application

Mr. Cramer: I move the Commission adopt the Order adopting the Hearing Officer's April 19, 2012 Recommended Findings of Fact, Conclusions of Law and Recommended Order in the request of Plains Pipeline, L.P. for a waiver of procedures and time schedules, a corridor certificate and a route permit for the construction of its Nelson to Ross Pipeline in Mountrail County, North Dakota, Case No. PU-12-40.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-142
2013 Administration and
Enforcement Grant
Approval

Mr. Cramer: I move the Commission submit the 2013 Administration and Enforcement Grant Application to the Office of Surface Mining to request federal funds for the coal regulatory program for the next grant period that runs from July 1, 2012 to June 30, 2013.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

State Purchasing Cards

Mr. Cramer: I move the Commission issue purchasing cards as specified in the Accounting Manager's March 12, 2012 memorandum referencing Public Service Commission Purchasing Card Usage.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Employee Equity and Performance
Adjustments

Mr. Cramer: I move the Commission grant equity and performance salary adjustments effective May 1, 2012 for the employees occupying positions 5015, 5018, 5019, 5022, 5024 and 5026 as recommended in the Reclamation\AML director's memorandum dated March 26, 2012.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:28 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN