

May 30, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 30, 2012, 10:00 a.m. Present were Commissioners Clark, Kalk and Cramer.

Minutes

Mr. Cramer: I move the minutes of May 16, 17, 2012 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-162
Public Service Commission
Public Utilities
Rulemaking

Mr. Cramer: I move the Commission propose the following revisions to the North Dakota Administrative Code, schedule a hearing, issue a Notice of Intent to Amend Administrative Rules and a Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-165
Public Service Commission
Siting
Rulemaking

Case No. RC-12-166
Public Service Commission
Reclamation
Rulemaking

Case No. AU-12-222
Travis James Schweitzer
Auctioneer License
Revocation

Mr. Cramer: I move the Commission issue an order in Case No. AU-12-222 revoking auctioneer license number 897 issued to Travis James Schweitzer of Bismarck, North Dakota effective May 20, 2012 for failing to maintain an adequate bond filing.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-223
Travis James Schweitzer
Auction Clerk License
Revocation

Mr. Cramer I move the Commission issue an order in Case No. AU-12-223 revoking auction clerk license number 618 issued to Travis James Schweitzer of Bismarck, North Dakota effective May 20, 2012, for failing to maintain an adequate bond filing.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-229
Kenneth F. Richter, Jr.
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Kenneth F. Richter, Jr., Drake, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-132
Douglas John Delorme
Auctioneer
License Application

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law, and Order in Case No. AU-12-132, Douglas John Delorme, Auctioneer, License Application and Case No. AU-12-133, Douglas John Delorme, Auction Clerk, License Application.

Case No. AU-12-133
Douglas John Delorme dba
Doug Delorme's Auctioneer
Auction Clerk
License Application

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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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-12-160
BEK Communications Cooperative
Switched Access
Price Schedule

Case No. PU-12-199
Consolidated Telcom
Switched Access
Price Schedule

Case No. PU-12-200
Dakota Central Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-12-201
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Case No. PU-12-202
Dickey Rural Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-12-203
Dickey Rural Communications, Inc.
Switched Access
Price Schedule

Case No. PU-12-204
Griggs County Telephone Co.
Switched Access
Price Schedule

Case No. PU-12-205
Inter-Community Telephone Company,
L.L.C.
Switched Access
Price Schedule

Case No. PU-12-206
Missouri Valley Communications, Inc.
Switched Access
Price Schedule

Mr. Cramer: I move the Commission suspend the proposed switched access price schedules of BEK Communications Cooperative, Case No. PU-12-160; Consolidated Telcom, Case No. PU-12-199; Dakota Central Telecommunications Cooperative, Case No. PU-12-200; Dakota Central Telecom I, Inc., Case No. PU-12-201; Dickey Rural Telephone Cooperative, Case No. PU-12-202; Dickey Rural Communications, Inc., Case No. PU-12-203; Griggs County Telephone Co., Case No. PU-12-204; Inter-Community Telephone Company, L.L.C., Case No. PU-12-205; Missouri Valley Communications, Case No. PU-12-206; Moore and Liberty Telephone Company, Case No. PU-12-207; Nemont Telephone Cooperative, Case No. PU-12-208; North Dakota Telephone Company, Case No. PU-12-209; Northwest Communications Cooperative, a Cooperative Association, Case No. PU-12-210; Polar Communications Mutual Aid Corporation, Case No. PU-12-211; Red River Rural Telephone Association, Case No. PU-12-212; Reservation Telephone Cooperative, Case No. PU-12-213; Turtle Mountain Communications, Inc., Case No. PU-12-214; United Telephone Mutual Aid Corporation, Case No. PU-12-215; West River Telecommunications Cooperative, Case No. PU-12-216; Wolverton Telephone Company, Case No. PU-12-217; and Dickey Rural Access, Inc., Case No. PU-12-233, all pursuant to N.D.C.C. § 49-21-01.3(01).

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-207
Moore and Liberty Telephone
Company
Switched Access
Price Schedule

Motion Continued

Case No. PU-12-208
Nemont Telephone Cooperative, Inc.
Switched Access
Price Schedule

Case No. PU-12-209
North Dakota Telephone Company
Switched Access
Price Schedule

Case No. PU-12-210
Northwest Communications
Cooperative, a Cooperative
Association
Switched Access
Price Schedule

Case No. PU-12-211
Polar Communications Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-12-212
Red River Rural Telephone Association
Switched Access
Price Schedule

Case No. PU-12-213
Reservation Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-12-214
Turtle Mountain Telephone Company
Switched Access
Price Schedule

Case No. PU-12-215
United Telephone Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-12-216
West River Telecommunications
Cooperative
Switched Access
Price Schedule

Motion Continued

Case No. PU-12-217
Wolverton Telephone Company
Switched Access
Price Schedule

Case No. PU-12-233
Dickey Rural Access, Inc.
Switched Access
Price Schedule

Case No. PU-11-620
Allete, Inc.
230 kV Transmission Line -
Mercer, Morton, Oliver Counties
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Corridor Certificate No. 135 and Route Permit No. 147 to Allette, Inc., authorizing construction of approximately 11 miles of 230 kV electric transmission line and associated facilities in Mercer, Morton and Oliver Counties of North Dakota, Case No. PU-11-620.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-219
Archer Daniels Midland Co.
License No. 747 - Walhalla, ND
Discontinue Business

Mr. Clark: I move the Commission adopt an order in Case No. GE-12-219 cancelling warehouse license number 747 issued to Archer Daniels Midland Co. at Walhalla, North Dakota and ordering that business at Walhalla is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

WITHDRAWN

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-12-160
BEK Communications Cooperative
Switched Access
Price Schedule

Case No. PU-12-199
Consolidated Telcom
Switched Access
Price Schedule

Case No. PU-12-200
Dakota Central Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-12-201
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Case No. PU-12-202
Dickey Rural Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-12-203
Dickey Rural Communications, Inc.
Switched Access
Price Schedule

Case No. PU-12-204
Griggs County Telephone Co.
Switched Access
Price Schedule

Case No. PU-12-205
Inter-Community Telephone Company,
L.L.C.
Switched Access
Price Schedule

Case No. PU-12-206
Missouri Valley Communications, Inc.
Switched Access
Price Schedule

Mr. Kalk: I move the Commission issue a Notice of Consolidated Hearing concerning the proposed switched access price schedules of BEK Communications Cooperative, Case No. PU-12-160; Consolidated Telcom, Case No. PU-12-199; Dakota Central Telecommunications Cooperative, Case No. PU-12-200; Dakota Central Telecom I, Inc., Case No. PU-12-201; Dickey Rural Telephone Cooperative, Case No. PU-12-202; Dickey Rural Communications, Inc., Case No. PU-12-203; Griggs County Telephone Co., Case No. PU-12-204; Inter-Community Telephone Company, L.L.C., Case No. PU-12-205; Missouri Valley Communications, Case No. PU-12-206; Moore and Liberty Telephone Company, Case No. PU-12-207; Nemont Telephone Cooperative, Case No. PU-12-208; North Dakota Telephone Company, Case No. PU-12-209; Northwest Communications Cooperative, a Cooperative Association, Case No. PU-12-210; Polar Communications Mutual Aid Corporation, Case No. PU-12-211; Red River Rural Telephone Association, Case No. PU-12-212; Reservation Telephone Cooperative, Case No. PU-12-213; Turtle Mountain Communications, Inc., Case No. PU-12-214; United Telephone Mutual Aid Corporation, Case No. PU-12-215; West River Telecommunications Cooperative, Case No. PU-12-216; Wolverton Telephone Company, Case No. PU-12-217; and Dickey Rural Access, Inc., Case No. PU-12-233.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-207
Moore and Liberty Telephone
Company
Switched Access
Price Schedule

Motion Continued

Case No. PU-12-208
Nemont Telephone Cooperative, Inc.
Switched Access
Price Schedule

Case No. PU-12-209
North Dakota Telephone Company
Switched Access
Price Schedule

Case No. PU-12-210
Northwest Communications
Cooperative, a Cooperative Assoc.
Switched Access
Price Schedule

Case No. PU-12-211
Polar Communications Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-12-212
Red River Rural Telephone Association
Switched Access
Price Schedule

Case No. PU-12-213
Reservation Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-12-214
Turtle Mountain Telephone Company
Switched Access
Price Schedule

Case No. PU-12-215
United Telephone Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-12-216
West River Telecommunications
Cooperative
Switched Access
Price Schedule

Motion Continued

Case No. PU-12-217
Wolverton Telephone Company
Switched Access
Price Schedule

Case No. PU-12-233
Dickey Rural Access, Inc.
Switched Access
Price Schedule

Case No. PU-12-224
Telecommunications Relay Service
Misc. Case

Mr. Kalk: I move the Commission publish notice 2012-2013 Telecommunications Relay Service Surcharge daily newspapers of general circulation in the state of Dakota, Case No. PU-12-224.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-55
Summit Energy
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Summit Energy, Case No. GS-12-55.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-57
Pro Pipe Corporation
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Pro Pipe Corporation, Case No. GS-12-57.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-53
S. J. Louis Construction, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning S. J. Louis Construction, Case No. GS-12-53.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-12-82
Columbus Phase 13 Construction
Project

Mr. Cramer: I move the Commission execute a contract with Baranko Bros. Inc. in the amount of \$607,510 for construction services at the Columbus Phase 13 AML Project in Burke County.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-12-83
Columbus Phase 14 Construction
Project

Mr. Cramer: I move the Commission execute a contract with Riley Bros. Contracting, Inc. in the amount of \$925,675 for construction services at the Columbus Phase 14 AML Project in Burke County.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-190
Hiland Operating, LLC
6-Inch Natural Gas Pipeline –
Divide & Burke Counties
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 four weeks, and assess a filing fee of \$7,500 due upon filing a siting application in Case No. PU-12-190, Hiland Operating, LLC's 6-inch existing natural gas pipeline in Divide and Burke Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-232
Enbridge Pipelines (North Dakota) LLC
Berthold Station Expansion Project
Siting Application

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility No. 135 and Route Permit No. 146 to Enbridge Pipelines (North Dakota) LLC for the construction of its Berthold Station Expansion Project in Ward County, North Dakota for the transmission of crude oil, Case No. PU-11-232.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-613
Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project –
Williams, Mountrail, Ward Counties
Siting Application

Mr. Cramer: I move the Commission issue a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity for Hearing in the request for amendment of tree and shrub mitigation specifications for Case No. PU-10-613, Enbridge Pipelines, (North Dakota) LLC, Beaver Lodge Loop Project, Williams, Mountrail, and Ward Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-613
Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project –
Williams, Mountrail, Ward Counties
Siting Application

Mr. Cramer: I move the Commission rescind its Motion of May 16, 2012 requesting the Director of the Office of Administrative Hearings to appoint an Administrative Law Judge to preside as a substantive hearing officer in Case No. PU-10-613, Enbridge Pipelines, (North Dakota) LLC, Beaver Lodge Loop Project, Williams, Mountrail, and Ward Counties, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-606
Enbridge Pipelines (North Dakota) LLC
Little Muddy Station Connection
Project – Williams County
Siting Application

Mr. Cramer: I move the Commission rescind its Motion of May 16, 2012 requesting the Director of the Office of Administrative Hearings to appoint an Administrative Law Judge to preside as a substantive hearing officer in Case No. PU-11-606, Enbridge Pipelines, (North Dakota) LLC, Little Muddy Station Connection Project, Williams County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-78
Anderson Seed Co., Inc.
Grain Warehouse
Insolvency

Mr. Cramer: I move the Commission retain Jon J. Jensen, Special Assistant Attorney General, to provide legal services to assist the Commission in processing Case No. GE-12-78, Anderson Seed Co., Inc., Grain Warehouse, Insolvency.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:20 A.M.

Executive Secretary

BRIAN P. KALK, COMMISSIONER