

June 20, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on June 20, 2012, 10:00 a.m. Present were Commissioners Kalk and Cramer.

Organization of the Commission  
Nomination of Chairman

Mr. Cramer: I move that Commissioner Kalk serve as Chairman of the Public Service Commission for the next two and a half years.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Portfolios

Mr. Cramer: I move that Commission portfolios be allocated as follows:

Commissioner Kalk - Administration, Gas and Electric Distribution Utilities, Electric Generation & Transmission, Telecommunications, and Pipeline Safety.

Commissioner Cramer – Information Technology, Mining, Pipelines, Licensing (Grain and Auctioneers), Railroads, and Weights and Measures.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Minutes

Mr. Kalk: I move the minutes of May 30, June 14, 2012 be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-739  
Otter Tail Power Company  
Deferred Accounting - Big Stone II  
Application

Mr. Kalk: I move the Commission approve Otter Tail Power Company's new Big Stone II Cost Recovery rates, Case Nos. PU-09-739 and PU-10-30.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-30  
Otter Tail Power Company  
Discontinue Prudence Big Stone II  
Application

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

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by New Cingular Wireless PCS, LLC, Case No. PU-11-86.

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

Mr. Kalk: I move the Commission adopt the Order approving the revised tariffs as proposed by the Companies herein, Case No.'s PU-12-62 through PU-12-63; PU-10-104; PU-12-171 through PU-12-179; and Case No.'s PU-12-182 through PU-12-184.

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

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Case No. PU-12-171  
Turtle Mountain Communications, Inc.  
Switched Access  
Price Schedule

Case No. PU-12-172  
North Dakota Telephone Company  
Switched Access  
Price Schedule

Case No. PU-12-173  
Red River Rural Telephone Association  
Switched Access  
Price Schedule

Case No. PU-12-174  
United Telephone Mutual Aid  
Corporation  
Switched Access  
Price Schedule

Case No. PU-12-175  
Inter-Community Telephone Company,  
L.L.C.  
Switched Access  
Price Schedule

Case No. PU-12-176  
Moore and Liberty Telephone  
Company  
Switched Access  
Price Schedule

Case No. PU-12-177  
Griggs County Telephone Co.  
Switched Access  
Price Schedule

Motion Continued

Case No. PU-12-178  
West River Telecommunications  
Cooperative  
Switched Access  
Price Schedule

Case No. PU-12-179  
Consolidated Telcom  
Switched Access  
Price Schedule

Case No. PU-12-182  
Dickey Rural Telephone Cooperative  
Switched Access  
Price Schedule

Case No. PU-12-183  
Dickey Rural Communications, Inc.  
Switched Access  
Price Schedule

Case No. PU-12-184  
Polar Communications Mutual Aid  
Corporation  
Switched Access  
Price Schedule

Case No. PU-12-134  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Basin Transload LLC- Mercer County  
Public Convenience & Necessity

Mr. Kalk: 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 Basin Transload L.L.C. at a location in Mercer County, North Dakota, Case No. PU-12-134.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-149  
Montana-Dakota Utilities Co.,  
a Division of MDU  
West Prairie Investments, LLP-  
Mountrail County  
Public Convenience & Necessity

Mr. Kalk: 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 West Prairie Investments, LLP at a location in Mountrail County, North Dakota, Case No. PU-12-149.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-152  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Scott Post- Williams County  
Public Convenience & Necessity

Mr. Kalk: 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 Scott Post at a location in Williams County, North Dakota, Case No. PU-12-152.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-255  
MCImetro Access Transmission  
Services, Inc.  
Access Services  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by MCImetro Access Transmission Services, Inc., Case No. PU-12-255.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-261  
Qwest Corporation  
Access Service  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by Qwest Corporation, Case No. PU-12-261.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-262  
AT&T Communications of the Midwest,  
Inc.  
Access Service  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by AT&T Communications of the Midwest, Inc., Case No. PU-12-262.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-264  
Integra Telecom of North Dakota, Inc.  
Access Service  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by Integra Telecom of North Dakota, Inc., Case No. PU-12-264.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-268  
Consolidated Communications  
Networks, Inc.  
Switched Access  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by the companies enumerated above, Case Nos. PU-12-268 through PU-12-271 and Case No. PU-12-283.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-269  
Daktel Communications LLC  
Switched Access  
Price Schedule

Case No. PU-12-270  
Midstate Communications Inc.  
Switched Access  
Price Schedule

Case No. PU-12-271  
Midstate Telephone Company  
Switched Access  
Price Schedule

Case No. PU-12-283  
Polar Telcom, Inc.  
Switched Access  
Price Schedule

Case No. PU-12-286  
SRT Communications, Inc.  
Access Service  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by SRT Communications, Inc., Case No. PU-12-286.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-287  
Midcontinent Communications  
Access Service  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by Midcontinent Communications, Case No. PU-12-287.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move the Commission close out Contract No. AM-608-11 with Kern & Tabery, Inc. for completion of construction services associated with the 2011 Columbus Phase 11 AML project.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-42  
Magellan Pipeline Company, L.P.  
Fargo Relocation Project –  
Cass County  
Siting Application

Mr. Kalk: I move the Commission approve Magellan Pipeline Company, L.P.'s Tree and Shrub Mitigation Plan filed May 23, 2012 in Case No. PU-12-42.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-343  
Jeff Greig  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Jeff Greig, Rugby, North Dakota, effective June 29, 2012.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-344  
Jeff Greig  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Jeff Greig, Rugby, North Dakota, effective June 29, 2012.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-74  
Dickey Rural Telephone Cooperative  
Local Exchange  
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order granting the application of Dickey Rural Telephone Cooperative for certificates of public convenience and necessity to provide facilities-based incumbent local exchange services in the Gwinner, Lisbon, Ashley, Edgeley, Ellendale, Forman, Kulm, LaMoure, and Oakes exchanges in North Dakota, Case No. PU-12-74.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-231  
MDU / Burke-Divide Electric  
Cooperative  
City of Kenmare  
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 Company and Burke-Divide Electric Cooperative, Inc. for approval of an electric service area agreement and resulting issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by MDU and Burke-Divide within and around the city of Kenmare, North Dakota, Case No. PU-12-231 and PU-12-232.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-232  
Montana-Dakota Utilities Co.,  
a Division of MDU  
City of Kenmare - Service Area  
Agreement  
Public Convenience & Necessity

Case No. PU-11-109  
Vantage Pipeline US LP  
Natural Gas Liquids Pipeline –  
Williams and Divide  
Siting Application

Mr. Cramer: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in the request of Vantage Pipeline US LP for a waiver of procedures and time schedules, a corridor certificate and a route permit for the construction and operation of approximately 79.8 miles of 10-inch natural gas liquids pipeline in Williams and Divide Counties, North Dakota, Case No. PU-11-109

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-103  
Coteau Properties Company  
Renewal No. 4, Permit NACT-9101  
Approval

Mr. Cramer: I move the Commission approve Renewal No. 4 to Surface Coal Mining Permit No. NACT-9101, held by The Coteau Properties Company for the Freedom Mine, to extend the permit term another five years, until June 30, 2017.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-105  
Coteau Properties Company  
Revision No. 30, Permit NACT-9101  
Approval

Mr. Cramer: I move the Commission approve Revision No. 30 to Surface Coal Mining Permit No. NACT-9101, held by The Coteau Properties Company for the Freedom Mine, to identify the next five year coal removal areas and to update mining and reclamation plans for the next permit term.

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 request the Director of the Office of Administrative Hearings to appoint the designated Administrative Law Judge to preside as a substantive hearing officer in 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. 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 Cooperativ  
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

Salary Adjustments

Mr. Cramer: I move the Commission, within appropriated budget authority, grant a salary increase effective July 1, 2012 to all non-probationary, permanent employees whose documented performance levels meet standards, workload and equity adjustments, and performance bonuses as specified in the Accounting Manager's written summary of the Commission's June 18, 2012 work session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:51 A.M.

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Executive Secretary

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BRIAN KALK, CHAIRMAN