

July 11, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 11, 2012, 10:00 a.m. Present were Commissioners Kalk and Fetch. Commissioner Cramer participated by telephone and authorized his administrative assistant to sign orders on his behalf.

Commission Portfolios

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

Commissioner Kalk - Administration, Gas and Electric Distribution, Telecommunications, and Pipeline Safety.

Commissioner Cramer - Information Technology, Mining, and Pipelines.

Commissioner Fetch - Electric Generation & Transmission, Licensing (Grain and Auctioneers), Railroads, and Weights and Measures.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Minutes

Mr. Cramer: I move the minutes of June 20, 27, 2012 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-298
DishNET Wireline, L.L.C.
Access Service
Price Schedule

Mr. Cramer: I move the Commission adopt the Order Granting Trade Secret Protection as requested by dishNet Wireline L.L.C., Case No. PU-12-298.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-497
2011 Maintenance
Project

Mr. Cramer: I move the Commission close out Contract No. AM-615-11 with Basaraba Excavating and Dirt Works, LLC for completion of sinkhole filling and other construction services associated with AML's 2011 Maintenance project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-479
Spencer S Seidler
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Spencer S. Seidler, Garrison, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-301
BP & Sons Grain and Storage, Inc.
Roving Grain Buyer –
Morden, Manitoba Canada
License Application

Mr. Cramer: I move the Commission approve the roving grain buyer license application in Case No. GE-12-301 for BP & Sons Grain and Storage, Inc. of Morden, Manitoba, Canada.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-433
AT&T Communications
of the Midwest, Inc.
v. YMax Communication Corporation
Complaint

Mr. Kalk: I move the Commission find the June 29, 2012 complaint filed by AT&T Communications of the Midwest, Inc. states a prima facie case, and serve the complaint on the Respondent, YMAX Communications Corp., in Case No. PU-12-433.

Mr. Cramer: 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 adopt the Findings of Fact, Conclusions of Law and Order granting additional workspace to Enbridge Pipelines (North Dakota) LLC for the construction of a crude oil pipeline and associated facilities located in Williams, Mountrail and Ward Counties of North Dakota, Case No. PU-10-613.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-668
Falkirk Mining Company
Bond Release No. 3 for
Permit NAFK-8705
Approval

Mr. Cramer: I move the Commission approve Bond Release No. 3 for Surface Coal Mining Permit NAFK-8705, held by The Falkirk Mining Company, to release all reclamation liabilities on 217.5 acres of land located in the W½ of Section 20, T146N, R82W, McLean County. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition at the Falkirk Mine. This release will become effective August 13, 2012, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-128
Coteau Properties Company
Renewal No. 5, Permit NACT-8601
Approval

Mr. Cramer: I move the Commission approve Renewal No. 5 for Surface Coal Mining Permit No. NACT-8601, held by the Coteau Properties Company for the Freedom Mine, to extend the permit term for another five years, until July 28, 2017.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-272
Premier Pulses International Inc
License No. 1097 - Minot, ND
Discontinue Business

Ms. Fetch: I move the Commission adopt an order in Case No. GE-12-272 cancelling warehouse license number 1097 issued to Premier Pulses International Inc. at Minot, North Dakota and ordering that business at Minot is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-413
Noodles by Leonardo, Inc.
License No. 565 - Cando, ND
Discontinue Business

Ms. Fetch: I move the Commission adopt an order in Case No. GE-12-413 cancelling warehouse license number 565 issued to Noodles by Leonardo, Inc. at Cando, North Dakota and ordering that business at Cando is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-547
West Dakota Feed & Seed, LLC
License No. 1030 - Ross, ND
Discontinue Business

Ms. Fetch: I move the Commission adopt an order in Case No. GE-12-547 cancelling warehouse license number 1030 issued to West Dakota Feed & Seed, LLC at Ross, North Dakota and ordering that business at Ross is discontinued effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-302
Columbia Grain, Inc.
dba West Dakota Feed & Seed
Facility-Based Grain Buyer - Ross, ND
License Application

Ms. Fetch: I move the Commission adopt an order in Case No. GE-12-302 granting the request of Columbia Grain, Inc., dba West Dakota Feed & Seed of Portland, Oregon to operate as a facility-based grain buyer at Ross, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

DRC v. PSC
Sierra Club & DRC v.
Secretary of the Interior Ken Salazar
Case No. 1:12-CV-064
Case No. 1:12-CV-065

Mr. Cramer: I move the Commission retain Paul M. Seby, Special Assistant Attorney General, and Marian C. Larsen, upon her appointment as a Special Assistant Attorney General, both with Moye/White, L.L.P. Denver, Colorado, to advise and represent the Public Service Commission in the matter of Dakota Resource Council v. North Dakota Public Service Commission, Federal District Court Civil Action No. 1:12-CV-064 and Dacotah Chapter of Sierra Club and Dakota Resource Council v. Secretary of the Interior Ken Salazar, Federal District Court Civil Action No. 1:12-cv-065.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Resignation

Mr. Cramer: I move the Commission accept, with regret, the resignation of Tim Oswald effective August 4, 2012.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

New Hire
Temporary Document Imaging
Specialist

Mr. Cramer: I move the Commission acknowledge the offer to and acceptance of Kayleen H. Paetz to fill the temporary Document Imaging Specialist position, effective July 16, 2012, under the terms specified in the July 5, 2012 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:41 A.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN