

September 27, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 27, 2012, 10:00 a.m. Present were Commissioners Kalk, Cramer, and Fetch.

Minutes

Mr. Kalk: I move the minutes of September 12, 2012 be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-398
Great River Energy
230 kV Transmission Line -
Grand Forks - Devils Lake
Siting Application

Mr. Kalk: I move the Commission deem the combined applications for a waiver of procedures and time schedules, corridor certificate and route permit complete in Case No. PU-12-398, Great River Energy's proposed reroute of two transmission line segments totaling approximately 4 miles in length and located along its Grand Forks to Devils Lake 230 kV transmission line.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-702
Otter Tail Power Company
2013 Transmission Facility Cost
Recovery
Rates

Mr. Kalk: I move the Commission suspend Otter Tail Power Company's proposed 2013 Transmission Facility Cost Recovery rate adjustment, Case No. PU-12-702.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-644
RC Communications, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection, in RC Communications, Inc., 2008 High-Cost Universal Service Support, Annual Report, Case No. PU-08-644, Roberts County Telephone Cooperative, 2008 High-Cost Universal Service Support, Annual Report, Case No. PU-08-780, RC Communications, Inc., 2009 High-Cost Universal Service Support, Annual Report, Case No. PU-09-613, Roberts County Telephone Cooperative, 2009 High-Cost Universal Service Support, Annual Report, Case No. PU-09-625, Roberts County Telephone Cooperative, 2010 High-Cost Universal Service Support, Annual Report, Case No. PU-10-468, RC Communications, Inc., 2011 High-Cost Universal Service Support, Annual Report, Case No. PU-11-597, Roberts County Telephone Cooperative, 2011 High-Cost Universal Service Support, Annual Report, Case No. PU-11-598.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-780
Roberts County Telephone
Cooperative Association
2008 High - Cost Universal Service
Support
Annual Report

Case No. PU-09-613
RC Communications, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-625
Roberts County Telephone
Cooperative Association
2009 High-Cost Universal Service
Support
Annual Report

Motion Continued

Case No. PU-10-468
Roberts County Telephone
Cooperative Association
2010 High-Cost Universal Service
Support
Annual Report

Case No. PU-11-597
RC Communications, Inc.
2011 High-Cost Universal Service
Support
Annual Report

Case No. PU-11-598
Roberts County Telephone
Cooperative Association
2011 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-646
WWC Holding Co., Inc.
2008 High-Cost Universal Service
Support
Annual Report

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection, in WWC Holding Co., Inc., 2008 High-Cost Universal Service Support, Annual Report, Case No. PU-08-646 and WWC Holding Co., Inc., 2009 High-Cost Universal Service Support, Annual Report, Case No. PU-09-583.

Case No. PU-09-583
WWC Holding Co., Inc.
2009 High-Cost Universal Service
Support
Annual Report

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-656
Polar Telcom, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested by the Rural Telephone Company Group in the captioned 47, High-Cost Universal Service Support Annual Report cases for 2008 and 2009.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-657
Nemont Telephone Cooperative, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Motion Continued

Case No. PU-08-659
Turtle Mountain Communications, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-660
Halstad Telephone Company
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-661
Polar Communications Mutual Aid
Corporation
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-662
HTC Services, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-663
Midstate Telephone Company
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-664
Inter-Community Telephone Company,
L.L.C.
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-665
Midstate Communications Inc.
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-666
Sagebrush Cellular, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Motion Continued

Case No. PU-08-667
North Dakota Telephone Company
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-668
Northwest Communications
Cooperative, a Cooperativ
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-669
BEK Communications Cooperative
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-670
Wolverton Telephone Company
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-671
Consolidated Telcom
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-672
United Telephone Mutual Aid
Corporation
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-677
Reservation Telephone Cooperative
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-678
West River Telecommunications
Cooperative
2008 High-Cost Universal Service
Support
Annual Report

Motion Continued

Case No. PU-08-679
MOORE AND LIBERTY TELEPHONE
COMPANY
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-680
Griggs County Telephone Co.
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-681
Dickey Rural Telephone Cooperative
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-682
Dakota Central Telecommunications
Cooperative
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-683
Dickey Rural Communications, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-08-684
Dickey Rural Access, Inc.
2008 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-593
BEK Communications Cooperative
2009 High-Cost Universal Service
Support
Annual Report

Motion Continued

Case No. PU-09-594
Reservation Telephone Cooperative
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-595
Wolverton Telephone Company
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-596
Northwest Communications
Cooperative, a Cooperativ
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-597
West River Telecommunications
Cooperative
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-598
Midstate Communications Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-599
North Dakota Telephone Company
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-600
Sagebrush Cellular, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-601
Polar Telcom, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Motion Continued

Case No. PU-09-602
Midstate Telephone Company
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-603
Inter-Community Telephone Company,
L.L.C.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-609
United Telephone Mutual Aid
Corporation
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-610
Dickey Rural Access, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-611
Dickey Rural Communications, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-614
Griggs County Telephone Co.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-615
MOORE AND LIBERTY TELEPHONE
COMPANY
2009 High-Cost Universal Service
Support
Annual Report

Motion Continued

Case No. PU-09-616
Halstad Telephone Company
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-617
Dickey Rural Telephone Cooperative
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-620
Polar Communications Mutual Aid
Corporation
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-622
Turtle Mountain Communications, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-623
Nemont Telephone Cooperative, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-626
Dakota Central Telecom I, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-627
Consolidated Telcom
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-591
Loretel Systems, Inc.
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-09-592
Red River Rural Telephone Association
2009 High-Cost Universal Service
Support
Annual Report

Case No. PU-10-547
Loretel Systems, Inc.
2010 High-Cost Universal Service
Support
Annual Report

Case No. PU-10-548
Red River Rural Telephone Association
2010 High-Cost Universal Service
Support
Annual Report

Case No. PU-11-460
Loretel Systems, Inc.
2011 High-Cost Universal Services
Support
Annual Report

Case No. PU-11-461
Red River Rural Telephone Association
2011 High-Cost Universal Services
Support
Annual Report

Blaster Certification\Re-Certification
Approval

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection in Loretel Systems, Inc., 2009 High-Cost Universal Service Support, Annual Report, Case No. PU-09-591, Red River Rural Telephone Association, 2009 High-Cost Universal Service Support, Annual Report, Case No. PU-09-592, Loretel Systems, Inc., 2010 High-Cost Universal Service Support, Annual Report, Case No. PU-10-547, Red River Rural Telephone Association, 2010 High-Cost Universal Service Support, Annual Report, Case No. PU-10-548, Loretel Systems, Inc., 2011 High-Cost Universal Service Support, Annual Report, Case No. PU-11-460, Red River Rural Telephone Association, 2011 High-Cost Universal Service Support, Annual Report, Case No. PU-11-461.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission approve blaster certification and re-certification for the following applicants:

<u>Applicant</u>	<u>Affiliation</u>	<u>Certificate No.</u>
Hushka, Rachel	Beulah	03-11-265-R(3)
Kady, Kevin	Beulah	12-09-345
Vernati, Adam D.	Beulah	2-09-344
Voegelé, Perry	Beulah	12-09-343
Forsberg, Jeffery C.	BNI Center	12-09-339
Heger, Michael M.	BNI Center	12-09-337
Houn Jodey	BNI Center	12-09-338
Placek, Derrick	BNI Center	12-09-340
Inglis, Jeff	Falkirk	12-09-342

Blaster Certification\Re-Certification
Approval
(Motion Continued)

Brinkman, Brenden	Falkirk	06-04-282-R(2)
Eng, Curtis R.	Falkirk	06-04-282-(2)
Peterson, Duaine	Falkirk	12-09-341

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-12-80
Exploratory Drilling
Project

Mr. Kalk: I move the Commission close out Contract No. AM-633-12 with T & C Drilling, Inc. for completion of the AML Division's 2012 Exploratory Drilling project.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-350
Montana-Dakota Utilities Co.,
a Division of MDU
PP&J LLC- 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 PP&J LLC at a location in Williams County, North Dakota, Case No. PU-12-350.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-484
Montana-Dakota Utilities Co.,
a Division of MDU
Mark Rohrich- McIntosh 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 Mark Rohrich at a location in McIntosh County, North Dakota, Case No. PU-12-484.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-516
Otter Tail Power Company
Paul Trom - Richland 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 Paul Trom at a location in Richland County, North Dakota, Case No. PU-12-516.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-548
Montana-Dakota Utilities Co.,
a Division of MDU
Knife River- McKenzie 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 Knife River at a location in McKenzie County, North Dakota, Case No. PU-12-548.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-661
Otter Tail Power Company
Jeff Ebel - Wells 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 Jeff Ebel at a location in Wells County, North Dakota, Case No. PU-12-661.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-727
Otter Tail Power Company
Eid-Co Buildings Inc-Cass County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Eid-Co Buildings Inc. at a location in Cass County, North Dakota, Case No. PU-12-727.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-731
Gabriel Kent Petersen
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Gabriel Kent Petersen, Blair, Nebraska.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-740
James E. McCullough
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for James E. McCullough, Excelsior Springs, Missouri.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-741
Scott A Erickson
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Scott A Erickson, Hope, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-742
Scott A Erickson
Auction Clerk
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Scott A Erickson, Hope, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-748
Joseph Hickel dba
Hickel Auction Service
Auction Clerk
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Joseph Hickel dba Hickel Auction Service, Ray, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-749
Darrel Yoder
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Darrel Yoder, Lyons, Ohio.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-561
Oliver Wind III, LLC
48 MW Wind Energy Center –
Morton County
Siting Application

Mr. Kalk: I move the Commission issue a Notice of Informal Hearing, and Notice of Opportunity for Hearing in the application of Oliver Wind III, LLC for an amendment to Certificate of Site Compatibility No. 27 to authorize larger turbines and revised turbine locations for its 48 MW Oliver III Wind Energy Center to be constructed in Morton County, North Dakota, Case No. PU-11-56.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-646
Wilton Wind IV, LLC
99 MW Wind Energy Center –
Burleigh County
Siting Application

Mr. Kalk: I move the Commission issue a Notice of Informal Hearing and Notice of Opportunity for Hearing in the application of Wilton Wind IV, LLC for an amendment to Certificate of Site Compatibility No. 26 to authorize larger turbines and revised turbine locations for its 99 MW Wilton IV Wind Energy Center to be constructed in Burleigh County, North Dakota, Case No. PU-11-646.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-236
USF Use Certification 47 CFR 54.314
(2013)
Compliance

Mr. Kalk: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support for rural eligible telecommunications carriers to receive federal universal service funding in 2013, Case No. PU-12-236.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

State Reclamation Award
2012 Award

Mr. Cramer: I move the Commission present the 2012 State Reclamation Award to BNI Coal, Ltd.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-12-510
2012 Coal Outcrop Fire Suppression
Grant
Approval

Mr. Cramer: I move the Commission execute a contract with Baranko Brothers Inc. in the amount of \$27,000 to extinguish coal outcrop fires in McKenzie and Slope Counties using funds from the 2012 Coal Outcrop Fire Suppression grant.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-422
MDU / Mor-Gran-Sou Electric
Cooperative
City of Mandan Area
Service Area Agreement

Case No. PU-12-515
Montana-Dakota Utilities Co.,
a Division of MDU
City of Mandan –
Service Area Agreement
Public Convenience & Necessity

Case No. GE-12-738
Marvin and Michael Dick dba
Dicks' Seed Farm
Grain Warehouse - Munich, ND
License Application

Case No. PU-12-398
Great River Energy
230 kV Transmission Line -
Grand Forks - Devils Lake
Siting Application

Post Probationary Period Salary
Adjustment

Ms. Fetch: I move the Commission adopt the Order Approving Electric Service Area Agreement in the joint application of Montana-Dakota Utilities Co. and Mor-Gran-Sou 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 Mor-Gran-Sou within and around the city of Mandan, North Dakota, Case Nos. PU-12-422 and PU-12-515.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Ms. Fetch: I move the Commission adopt an order in Case No. GE-12-738 granting the request of Marvin and Michael Dick dba Dicks' Seed Farm to operate a 97,000-bushel grain warehouse at Munich, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Ms. Fetch: I move the Commission acknowledge the request to 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-12-398, Great River Energy, proposed 230 kV Transmission Line - Grand Forks - Devils Lake, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Ms. Fetch: I move the approval of a salary increase effective September 27, 2012 for Position No. 5027, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth in the Commission's March 15, 2012 offer of employment plus the 3% increase granted all non-probationary employees on July 1, 2012 as budgeted for and as provided for in Senate Bill 2015, Section 8 of the sixty-second Legislative Assembly.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:43 A.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN

