

November 9, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 9, 2012, 10:00 a.m. Present were Commissioners Kalk and Fetch. Commissioner Cramer participated by telephone and authorized his administrative assistant to sign orders and contracts on his behalf.

Minutes

Mr. Kalk: I move the minutes of October 24, 31, 2012 be approved.

Ms. Fetch: 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. Kalk: I move the Commission acknowledge the October 31, 2012 staff approval of Minnkota Power Cooperative, Inc.'s request for a corridor expansion and route relocation along a short segment of its 345 kV electric transmission line being constructed from Center to Grand Forks, North Dakota, Case No. PU-09-670.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-580  
Northern States Power Company  
Integrated Resource Plan  
Information

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested on behalf of Northern States Power Company, Integrated Resource Plan, Information, Case No. PU-10-580.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-162  
Public Utilities  
Rulemaking

Mr. Kalk: Having been approved by the Attorney General, I move the Commission adopt the proposed new Section 69-02-05-12, the amendment to Section 69-09-02-35, the repeal of Section 69-09-02-37, and the amendments to Article 69-06 of the North Dakota Administrative Code, and forward the rules to the Legislative Council for publication, Case No. PU-12-162, Public Utilities Rulemaking, and Case No. PU-12-165, Siting Rulemaking.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-165  
Siting  
Rulemaking

Case No. RC-12-166  
Reclamation  
Rulemaking

Mr. Kalk: I move the Commission submit the mining and reclamation rule changes proposed in Case No. RC-12-166 to the Office of Surface Mining as State Program Amendment XL.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-518  
Bismarck MSA Limited Partnership  
2012 High-Cost Universal Services  
Support  
Annual Report

Mr. Kalk: I move the Commission adopt the Order  
Granting Trade Secret Protection as requested by the  
six captioned High-Cost Universal Service Support  
Annual Report cases for 2012.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-519  
North Central RSA 2 of North Dakota  
Limited  
2012 High-Cost Universal Services  
Support  
Annual Report

Case No. PU-12-520  
Northwest Dakota Cellular of North  
Dakota Limited  
2012 High-Cost Universal Services  
Support  
Annual Report

Case No. PU-12-521  
North Dakota RSA No. 3 Limited  
Partnership  
2012 High-Cost Universal Services  
Support  
Annual Report

Case No. PU-12-522  
Badlands Cellular of North Dakota  
Limited Partners  
2012 High-Cost Universal Services  
Support  
Annual Report

Case No. PU-12-523  
North Dakota 5 - Kidder Limited  
Partnership  
2012 High-Cost Universal Services  
Support  
Annual Report

Case No. PU-12-650  
RC Communications, Inc.  
2012 High-Cost Universal Service  
Support  
Annual Report

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection as requested on behalf of RC Communications, Inc. and Roberts County Telephone Cooperative in the captioned High-Cost Universal Service Support Annual Report cases for 2012.

Case No. PU-12-651  
Roberts County Telephone  
Cooperative Association  
2012 High-Cost Universal Service  
Support  
Annual Report

Ms. Fetch: I second the motion.  
Roll Call: All voting "Aye."

Case No. PU-12-708  
Dakota Central Telecommunications  
Cooperative  
Switched Access  
Price Schedule

Mr. Kalk: I move the Commission adopt the Order on Switched Access Price Schedules approving the switched access price schedules as proposed by the Companies herein, Case No. PU-12-708, PU-12-709, PU-12-710, PU-12-711, PU-12-712, PU-12-713, PU-12-714, PU-12-715, PU-12-716, PU-12-717, PU-12-718, PU-12-719, PU-12-720, PU-12-721, and PU-12-722.

Case No. PU-12-709  
Dakota Central Telecom I, Inc.  
Switched Access  
Price Schedule

Ms. Fetch: I second the motion.  
Roll Call: All voting "Aye."

Case No. PU-12-710  
Dickey Rural Telephone Cooperative  
Switched Access  
Price Schedule

Case No. PU-12-711  
Dickey Rural Access, Inc.  
Switched Access  
Price Schedule

Case No. PU-12-712  
Griggs County Telephone Co.  
Switched Access  
Price Schedule

Case No. PU-12-713  
Inter-Community Telephone Company,  
L.L.C.  
Switched Access  
Price Schedule

Case No. PU-12-714  
Moore and Liberty Telephone  
Company  
Switched Access  
Price Schedule

Motion Continued

Case No. PU-12-715  
Nemont Telephone Cooperative, Inc.  
Switched Access  
Price Schedule

Case No. PU-12-716  
North Dakota Telephone Company  
Switched Access  
Price Schedule

Case No. PU-12-717  
Polar Communications Mutual Aid  
Corporation  
Switched Access  
Price Schedule

Case No. PU-12-718  
Red River Rural Telephone Association  
Switched Access  
Price Schedule

Case No. PU-12-719  
Reservation Telephone Cooperative  
Switched Access  
Price Schedule

Case No. PU-12-720  
United Telephone Mutual Aid  
Corporation  
Switched Access  
Price Schedule

Case No. PU-12-721  
West River Telecommunications  
Cooperative  
Switched Access  
Price Schedule

Case No. PU-12-722  
Wolverton Telephone Company  
Switched Access  
Price Schedule

Motion Continued

Case No. PU-12-723  
Midcontinent Communications/  
North Dakota Telephone  
Interconnection Agreement  
Amendment  
Application

Mr. Kalk: I move the Commission adopt the order approving an amendment negotiated to an existing interconnection agreement between Midcontinent Communications and North Dakota Telephone Company, Case No. PU-12-723.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-650  
Otter Tail Power Company  
Dale Pedersen - Griggs 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 Dale Pedersen at a location in Griggs County, North Dakota, Case No. PU-11-650.

Ms. Fetch: 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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-124  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Electric Rate Increase  
Application

Mr. Kalk: I move the Commission issue a Notice Opportunity for Hearing in Montana-Dakota Utilities Co.'s electric rate increase application, Case No. PU-10-124.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-669  
Ceres Environmental Services, 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 Ceres Environmental, Inc., Case No. GS-12-669.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-750  
v. Pacific Telecom Communications  
Group, Inc.  
Complaint

Mr. Kalk: I move the Commission issue a Notice of Hearing in the complaint of Public Service Commission v. Pacific Telecom Communications Group, Inc., Case No. PU-12-750.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-747  
Bismarck MSA Limited Partnership  
Designated Eligible Carrier  
Cancellation / Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Comment in the application of Bismarck MSA Limited Partnership to relinquish its designation as an eligible telecommunications carrier, Case No. PU-12-747.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-779  
Burke-Divide Electric Coop./  
Sheridan Electric Coop  
Divide County  
Service Area Agreement

Ms. Fetch: I move the Commission issue a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity For Hearing in the joint application of Burke-Divide Electric Cooperative, Inc. and Sheridan Electric Cooperative, Inc. for approval of a service area agreement to establish and designate service locations to be served by Burke-Divide and Sheridan Electric in Divide County, North Dakota, Case No. PU-12-779.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-696  
Otter Tail Power Co. /  
Cass County Electric Coop.  
Cass and Richland Counties  
Service Area Agreement

Ms. Fetch: I move the Commission adopt the Order Approving Electric Service Area Agreement in the joint application of Otter Tail Power Company and Cass County 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 Otter Tail and Cass Electric within and around the cities of Abercrombie, Amenia, Christine, Walcott, Davenport, and Mapleton in Cass and Richland Counties of North Dakota, Case Nos. PU-12-696 and PU-12-697.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-697  
Otter Tail Power Company  
Cass and Richland Counties –  
Service Area Agreement  
Public Convenience & Necessity

Mr. Kalk: I move the Commission appoint Mike Diller, Chris Marohl and Mark Gruman as ratepayer advocacy staff in Otter Tail Power Company's Integrated Resource Plan Information, Case No. PU-10-346.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-346  
Otter Tail Power Company  
Integrated Resource Plan  
Information

AML  
Seasonal Construction Inspector

Mr. Kalk: I move the Commission extend the part-time employment period for Thomas Vigesaa, a seasonal Construction Inspector in the AML Division, until December 21, 2012.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

AML Environmental Scientist III  
New Hire

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Joan M. Breiner to fill Position No. 5026, Environmental Scientist III, effective November 26, 2012, under the terms specified in the October 18, 2012 written offer of employment.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:50 A.M.

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Executive Secretary

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BRIAN P. KALK, CHAIRMAN