

November 28, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 28, 2012, 10:00 a.m. Present were Commissioners Kalk and Fetch.

Case No. PU-07-153  
Great Plains Natural Gas Co.  
2006 Gas Operations  
Annual Report

Mr. Kalk: I move the Commission close Great Plains Natural Gas Co.'s 2006 through 2011 Annual Reports, Case Nos. PU-07-153, PU-08-168, PU-09-168, PU-10-134, PU-11-120, PU-12-153.

Case No. PU-08-168  
Great Plains Natural Gas Co.  
2007 Gas Operations  
Annual Report

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-168  
Great Plains Natural Gas Co.  
2008 Gas Operations  
Annual Report

Case No. PU-10-134  
Great Plains Natural Gas Co.  
2009 Gas Operations  
Annual Report

Case No. PU-11-120  
Great Plains Natural Gas Co.  
2010 Gas Operations  
Annual Report

Case No. PU-12-153  
Great Plains Natural Gas Co.  
2011 Gas Operations  
Annual Report

Case No. PU-12-762  
Dickey Rural Telephone 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 proposed by the Dickey Rural Telephone Cooperative, Case No. PU-12-762.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-794  
2013 One-Call Grant  
Grants and Contracts

Mr. Kalk: I move the Commission acknowledge the November 14, 2012 electronic submittal of the 2013 Pipeline Safety One Call Grant Application in the amount of \$10,000 to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, D.C. for the development and conduct of a damage prevention awareness campaign.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-648  
BNI Coal, Ltd.  
Revision 51, Permit BNCR-8106  
Approval

Mr. Kalk: I move the Commission approve Revision No. 51 to Surface Coal Mining Permit No. BNCR-8106, held by BNI Coal, Ltd., to add 55.43 acres to the permit, including the transfer of 49.86 acres from Permit No. 37 and re-permitting 5.57 acres that previously received final bond release.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-649  
BNI Coal, Ltd.  
Revision 26, Permit 37  
Approval

Mr. Kalk: I move the Commission approve Revision No. 26 to Surface Coal Mining Permit No. 37, held by BNI Coal, Ltd., to delete 49.86 acres that are being transferred to Permit No. BNCR-8106.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-775  
Basin Transload, LLC  
10-Inch Crude Oil Pipeline –  
Burke County  
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-12-775, Basin Transload's proposed 7-mile 10-inch crude oil pipeline in Burke County, North Dakota.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-743  
Otter Tail Power Company  
Courtney Boettcher - McHenry 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 Courtney Boettcher. at a location in McHenry County, North Dakota, Case No. PU-12-743.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-760  
Otter Tail Power Company  
Rural Tower Network-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 Rural Tower Network at a location in Cass County, North Dakota, Case No. PU-12-760.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-777  
Montana-Dakota Utilities Co.,  
a Division of MDU Re  
Marty Shaide - Interstate Industrial-  
McKenzie County  
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Marty Shaide at a location in McKenzie County, North Dakota, Case No. PU-12-777.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-797  
Sinamco Trading, Inc.  
Roving Grain Buyer - Minneapolis, MN  
License Application

Mr. Kalk: I move the Commission approve the roving grain buyer license application in Case No. GE-12-797 for Sinamco Trading, Inc., of Minneapolis, Minnesota.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-127  
Northern States Power Company  
Advance Determination of Prudence -  
Prairie Island  
Application

Mr. Kalk: I move the Commission adopt the Order on Advance Determination of Prudence in Northern States Power Company's proposed modifications at its Prairie Island Nuclear Generating Plant, Case No. PU-10-127.

Ms. Fetch: 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 adopt the Findings of Fact, Conclusions of Law and Order Amending Certificate of Site Compatibility No. 27 to authorize a change in turbine models and resulting site plan revisions for the Oliver III Wind Energy Center to be constructed in Morton County, North Dakota, Case No. PU-11-561.

Ms. Fetch: 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 adopt the Findings of Fact, Conclusions of Law and Order Amending Certificate of Site Compatibility No. 26 to authorize a change in turbine models and resulting site plan revisions for the Wilton IV Wind Energy Center to be constructed in Burleigh County, North Dakota, Case No. PU-11-646.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-31  
Shores Companies, Inc.  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Order and Notice adopting the Hearing Officer's October 26, 2012 recommended Order Finding Respondent in Default and providing Notice of Default in Public Service Commission v. Shores Companies, Inc., Damage Prevention Enforcement, Case No. GS-12-31.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-790  
Basin Electric Power Cooperative  
Lonesome Creek Station –  
McKenzie County  
Siting Application

Mr. Kalk: I move the Commission acknowledge the Letter of Intent and assess a filing fee of \$57,500 due upon filing an application in Case No. PU-12-790, Basin Electric's 90 MW addition to its Lonesome Creek Station in McKenzie County, North Dakota.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-769  
Falkirk Farmers Elevator Co  
Grain Warehouse  
Insolvency

Ms. Fetch: I move the Commission file an application with the McLean County District Court, South Central Judicial District, for appointment as trustee of Falkirk Farmers Elevator Co. of Falkirk, North Dakota, under North Dakota Century Code Chapters 60-02 and 60-04, in Public Service Commission Case No. GE-12-769.

I further move that the Commission file an Ex Parte Order to Preserve Trust Assets until the Court issues its order granting or denying the application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-775  
Basin Transload, LLC  
10-Inch Crude Oil Pipeline –  
Burke County  
Siting Application

Mr. Kalk: 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-12-775, Basin Transload's crude oil pipeline in Burke County, North Dakota.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Resignation - Attorney

Mr. Kalk: I move the Commission accept, with regret, the resignation of Mark Gruman effective December 6, 2012.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Resignation - Public Utility Analyst

Mr. Kalk: I move the Commission accept, with regret, the resignation of Christopher Marohl effective January 1, 2013.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-37  
Buechler/Velva  
2010 Construction  
Project

Mr. Kalk: I move the Commission convene an executive session for attorney consultation in Case No. AM-10-37, Buechler/Velva 2010 Construction Project.

Ms. Fetch: I second the motion.

Roll Call: Kalk "Aye."

Fetch "Aye."

Executive Session

The Commission convened in Executive Session at 11:14 a.m. Present were Commissioners Kalk, Fetch and Illona Jeffcoat-Sacco, Mitch Armstrong, James Deutsch, Bill Dodd, Mark Knell, Darrell Nitschke, Esther Jangula. The Executive Session adjourned at 11:32 a.m. The Commission reconvened the Administrative Matters Meeting at 11:32 a.m.

ATTEST

THE COMMISSION ADJOURNED AT 11:32 A.M.

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Executive Secretary

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BRIAN P. KALK, CHAIRMAN