

January 16, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 16, 2013, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Commission Reorganization -  
Chairman

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

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Commission Reorganization -  
Portfolios

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

Commissioner Kalk – Business Operations, Electric Generation & Transmission, Telecommunications, and Pipeline Safety.

Commissioner Christmann – Coal Mining, Reclamation and Abandoned Mine Lands, Licensing (Grain and Auctioneers), Railroads, and Weights and Measures.

Commissioner Fedorchak - Gas and Electric Distribution and Pipeline Siting.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Minutes

Mr. Kalk: I move the minutes of December 21, 2012 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-70  
Northern States Power Company  
Advance Determination of Prudence -  
Manitoba Hydro  
Application

Mr. Kalk: I move the Commission issue an application fee refund to Northern States Power Company in the amount of \$124,229.76, Case No. PU-12-70.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-99  
Otter Tail Power Company  
Cost of Energy Adjustment Clause  
Tariff

Mr. Kalk: I move the Commission approve Otter Tail Power Company's withdrawal of its request for tariff revisions to include certain emission costs in its Energy Adjustment Rider, Case No. PU-12-99.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move the Commission authorize staff to issue a change order to increase the amount of Contract No. AM-642-12 with Baranko Brothers Inc. to \$35,000, the full amount of the 2012 Coal Outcrop Fire Suppression grant.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-30  
Ross Jorgensen  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Ross Jorgensen, Grand Forks, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-31  
Paula Jo A. Wanner dba  
Wolff Clerking  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Paula Jo A. Wanner dba Wolff Clerking, Golden Valley, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-32  
Keystone Grain Ltd  
Roving Grain Buyer – Winkler, MB  
Discontinue Business

Mr. Kalk: I move the Commission adopt an order in Case No. GE-13-032 cancelling roving grain buyer license number 3123 issued to Keystone Grain Ltd. of Winkler, Manitoba, Canada, and ordering that all North Dakota roving grain buyer activities be discontinued.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-39  
Neil Horner  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Neil Horner, Wishek, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-40  
Iron Curtain Auction Service  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Iron Curtain Auction Service, Wishek, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-23  
Northern States Power Company  
Cogeneration - Small Power  
Production  
Rates

Mr. Kalk: I move the Commission approve Northern States Power Company's updated Cogeneration and Small Power Production Rates, Case No. PU-13-23.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-395  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Advance Determination of Prudence -  
88 MW Turbine  
Application

Mr. Kalk: I move the Commission issue an application fee refund to Montana-Dakota Utilities Co. in the amount of \$85,384.33, Case No. PU-11-395.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-396  
Montana-Dakota Utilities Co.,  
a Division of MDU  
88 MW Combustion Turbine  
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a filing fee refund to Montana-Dakota Utilities Co., in the amount of \$87,314.84, Case No. PU-11-396.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-672  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Transmission Facility Cost Recovery  
Rates

Mr. Kalk: I move the Commission issue a filing fee refund to Montana-Dakota Utilities Co., in the amount of \$9,073, Case No. PU-11-672.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-656  
ONEOK Rockies Midstream, L.L.C.  
Garden Creek II Plant –  
McKenzie County, ND  
Siting Application

Mr. Kalk: I move the Commission contract with Bartlett & West, Inc. for construction inspection services concerning ONEOK Rockies Midstream L.L.C.'s application to construct a 100 million standard cubic feet per day natural gas processing plant in Williams County, North Dakota, Case No. PU-12-656.

Ms. Fedorchak: 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 contract with E3 Environmental, LLC for construction inspection services concerning Basin Transload, LLC's application to construct a 7-mile, 10-inch crude oil pipeline in Burke County, North Dakota, Case No. PU-12-775.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-777  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Marty Shaide- Interstate Industrial-  
McKenzie Cty  
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 Marty Shaide- Interstate Industrial at a location in McKenzie County, North Dakota, Case No. PU-12-777.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-796  
Otter Tail Power Company  
Ronald Prochnow - 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 Ronald Prochnow at a location in Richland County, North Dakota, Case No. PU-12-796.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-15  
Otter Tail Power Company  
Small Power Production /  
Cogeneration  
Rates

Mr. Kalk: I move the Commission approve Otter Tail Power Company's updated Cogeneration and Small Power Production Rates, Case No. PU-13-15.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-16  
Otter Tail Power Company  
2013 Renewable Resource Cost  
Recovery Adj. Factor  
Tariff

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection in Otter Tail Power Company, 2013 Renewable Resource Cost Recovery Adj. Factor, Tariff, Case No. PU-13-16.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-10-498  
Grabanski Grain, LLC  
Grain Warehouse  
Insolvency

Mr. Christmann: I move the Commission file the Motion for Discharge as Trustee in Grabanski Grain, LLC, Grain Warehouse, Insolvency, Case No. GE-10-498.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-22  
Basin Electric Power Cooperative  
10" Natural Gas Pipeline –  
Mercer County  
Siting Application

Ms. Fedorchak: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and a siting application to thirty days, and assess a filing fee of \$45,000 due upon filing an application in Case No. PU-13-22, Basin Electric Power Cooperative's 10" natural gas pipeline in Mercer County, North Dakota.

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

Ms. Fedorchak: I move the Commission adopt the Order adopting the Hearing Officer's January 7, 2013 Recommended Findings of Fact, Conclusions of Law and Order in the request of Basin Transload, LLC for a waiver of procedures and time schedules, a Certificate of Corridor Compatibility and a Route Permit for the construction of a 10-inch crude oil pipeline and associated facilities in Burke County, North Dakota, Case No. PU-12-775.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-509  
Basin Electric Power Cooperative  
Pioneer Generation Station –  
Williams County  
Siting Application

Mr. Kalk: I move the Commission request legal assistance from the Office of the Attorney General in Basin Electric Power Cooperative's Pioneer Generation Station in Williams County, North Dakota, Siting Application, Case No. PU-12-509.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:32 P.M.

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Executive Secretary

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BRIAN P. KALK, CHAIRMAN