

March 27, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 27, 2013, 1:00 p.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of March 13, 2013 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-116
Moore and Liberty Telephone
Company
Switched Access
Price Schedule

Mr. Kalk: I move the Commission suspend the proposed switched access price schedules of BEK Communications Cooperative, Case No. PU-13-108; Consolidated Telcom, Case No. PU-13-109; Dakota Central Telecommunications Cooperative, Case No. PU-13-110; Dakota Central Telecom I, Inc., Case No. PU-13-111; Dickey Rural Telephone Cooperative, Case No. PU-13-112; Griggs County Telephone Co., Case No. PU-13-113; Inter-Community Telephone Company, L.L.C., Case No. PU-13-114; Missouri Valley Communications, Case No. PU-13-115; Moore and Liberty Telephone Company, Case No. PU-13-116; Nemont Telephone Cooperative, Case No. PU-13-117; North Dakota Telephone Company, Case No. PU-13-118; Northwest Communications Cooperative, a Cooperative Association, Case No. PU-13-119; Polar Communications Mutual Aid Corporation, Case No. PU-13-120; Red River Rural Telephone Association, Case No. PU-13-121; Reservation Telephone Cooperative, Case No. PU-13-122; Turtle Mountain Communications, Inc., Case No. PU-13-123; United Telephone Mutual Aid Corporation, Case No. PU-13-124; West River Telecommunications Cooperative, Case No. PU-13-125; and Wolverton Telephone Company, Case No. PU-13-126, all pursuant to N.D.C.C. § 49-21-01.3(01).

Case No. PU-13-108
BEK Communications Cooperative
Switched Access
Price Schedule

Case No. PU-13-109
Consolidated Telcom
Switched Access
Price Schedule

Case No. PU-13-110
Dakota Central Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-13-111
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-112
Dickey Rural Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-13-113
Griggs County Telephone Co.
Switched Access
Price Schedule

Case No. PU-13-114
Inter-Community Telephone Company,
L.L.C.
Switched Access
Price Schedule

Motion Continued

Case No. PU-13-115
Missouri Valley Communications, Inc.
Switched Access
Price Schedule

Case No. PU-13-117
Nemont Telephone Cooperative, Inc.
Switched Access
Price Schedule

Case No. PU-13-118
North Dakota Telephone Company
Switched Access
Price Schedule

Case No. PU-13-119
Northwest Communications
Cooperative, a Cooperativ
Switched Access
Price Schedule

Case No. PU-13-120
Polar Communications Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-13-121
Red River Rural Telephone Association
Switched Access
Price Schedule

Case No. PU-13-122
Reservation Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-13-123
Turtle Mountain Communications, Inc.
Switched Access
Price Schedule

Case No. PU-13-124
United Telephone Mutual Aid
Corporation
Switched Access
Price Schedule

Motion Continued

Case No. PU-13-125
West River Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-13-126
Wolverton Telephone Company
Switched Access
Price Schedule

Case No. AU-13-131
Glenn Trautman II
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Glenn Trautman II, Sabin, Minnesota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-798
Montana-Dakota Utilities Co.,
a Division of MDU
Wesley Johnson
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 Wesley Johnson at a location in Williams County, North Dakota, Case No. PU-12-798.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-821
Montana-Dakota Utilities Co.,
a Division of MDU
Scott Kalmbach- Burke 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 Scott Kalmbach at a location in Burke County, North Dakota, Case No. PU-12-821.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-822
Montana-Dakota Utilities Co.,
a Division of MDU
Jack Roe- 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 Jack Roe at a location in Williams County, North Dakota, Case No. PU-12-822.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-74
Montana-Dakota Utilities Co.,
a Division of MDU
Kodiak Oil & Gas Corp.
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 Kodiak Oil & Gas Corp. at a location in Williams County, North Dakota, Case No. PU-13-74.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-632
M-Power One, LLC
Luverne Northfield Extension Wind
Energy Project
Siting Application

Mr. Kalk: I move the Commission acknowledge the Amended Letter of Intent and reduce the previously assessed filing fee from \$100,000 to \$67,500 due upon filing an application in Case No. PU-10-632, M-Power One, LLC's proposed 75.2 MW wind energy conversion facility in Steele County, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-601
Thunder Spirit Wind, LLC
150 MW Wind Energy Project –
Adams County
Siting Application

Mr. Kalk: I move the Commission acknowledge the Amended Letter of Intent, in Case No. PU-11-601, Thunder Spirit Wind, LLC's proposed 150 MW Thunder Spirit Wind Energy Project in Adams County, North Dakota.

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 adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 33 to Basin Electric power Cooperative authorizing construction of two additional 45 MW combustion turbines at its Pioneer Generation Station in Williams County, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-103
Allete, Inc.
250kV DC Trans. Line Reroute –
Kidder & Stutsman
Siting Application

Mr. Kalk: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and siting application to twenty days and assess a filing fee of \$9,000 due upon filing of an application in Case No. PU-13-103, Minnesota Power's proposed 250 kV DC transmission line reroutes in Kidder and Stutsman Counties of North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-108
BEK Communications Cooperative
Switched Access
Price Schedule

Case No. PU-13-109
Consolidated Telcom
Switched Access
Price Schedule

Case No. PU-13-110
Dakota Central Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-13-111
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Case No. PU-13-112
Dickey Rural Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-13-113
Griggs County Telephone Co.
Switched Access
Price Schedule

Case No. PU-13-114
Inter-Community Telephone Company,
L.L.C.
Switched Access
Price Schedule

Case No. PU-13-115
Missouri Valley Communications, Inc.
Switched Access
Price Schedule

Case No. PU-13-116
Moore and Liberty Telephone
Company
Switched Access
Price Schedule

Mr. Kalk: I move the Commission issue a Notice of Consolidated Hearing concerning the proposed switched access price schedules of BEK Communications Cooperative, Case No. PU-13-108; Consolidated Telcom, Case No. PU-13-109; Dakota Central Telecommunications Cooperative, Case No. PU-13-110; Dakota Central Telecom I, Inc., Case No. PU-13-111; Dickey Rural Telephone Cooperative, Case No. PU-13-112; Griggs County Telephone Co., Case No. PU-13-113; Inter-Community Telephone Company, L.L.C., Case No. PU-13-114; Missouri Valley Communications, Case No. PU-13-115; Moore and Liberty Telephone Company, Case No. PU-13-116; Nemont Telephone Cooperative, Case No. PU-13-117; North Dakota Telephone Company, Case No. PU-13-118; Northwest Communications Cooperative, a Cooperative Association, Case No. PU-13-119; Polar Communications Mutual Aid Corporation, Case No. PU-13-120; Red River Rural Telephone Association, Case No. PU-13-121; Reservation Telephone Cooperative, Case No. PU-13-122; Turtle Mountain Communications, Inc., Case No. PU-13-123; United Telephone Mutual Aid Corporation, Case No. PU-13-124; West River Telecommunications Cooperative, Case No. PU-13-125; and Wolverton Telephone Company, Case No. PU-13-126.

Mr. Christmann: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-13-117
Nemont Telephone Cooperative, Inc.
Switched Access
Price Schedule

Motion Continued

Case No. PU-13-118
North Dakota Telephone Company
Switched Access
Price Schedule

Case No. PU-13-119
Northwest Communications
Cooperative, a Cooperativ
Switched Access
Price Schedule

Case No. PU-13-120
Polar Communications Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-13-121
Red River Rural Telephone Association
Switched Access
Price Schedule

Case No. PU-13-122
Reservation Telephone Cooperative
Switched Access
Price Schedule

Case No. PU-13-123
Turtle Mountain Communications, Inc.
Switched Access
Price Schedule

Case No. PU-13-124
United Telephone Mutual Aid
Corporation
Switched Access
Price Schedule

Case No. PU-13-125
West River Telecommunications
Cooperative
Switched Access
Price Schedule

Case No. PU-13-126
Wolverton Telephone Company
Switched Access
Price Schedule

Motion Continued

Case No. PU-13-127
Allete, Inc.
210MW Bison 4 Wind Farm-
Mercer, Morton, Oliver Counties
Siting Application

Mr. Kalk: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and siting application to thirty days and assess a filing fee of \$100,000 due upon filing of an application in Case No. PU-13-127, Minnesota Power's proposed 210 MW Bison 4 Wind Project in Mercer, Morton and Oliver Counties of North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-303
Kindred Plumbing and Heating
Damage Prevention Enforcement

Mr. Kalk: I move the Commission find the March 22, 2013 Complaint filed by the North Dakota Public Service Commission Advocacy Staff states a prima facie case and serve the complaint on the Respondent, Kindred Plumbing and Heating, Inc., in Case No. PU-12-303.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-386
Falkirk Mining Company
Revision 34, Permit NAFK-8705
Approval

Mr. Christmann: I move the Commission conditionally approve Revision No. 34 to Surface Coal Mining Permit No. NAFK-8705, held by the Falkirk Mining Company, to change the post-mining land use from cropland to recreational on 70.3 acres of land near the City of Underwood and to update other information and reclamation plans in the existing permit.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-101
Great Plains Processing, LLC dba
Northern Plains Grain & Milling
Grain Warehouse - Valley City, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-101 granting the request of Great Plains Processing, LLC dba Northern Plains Grain & Milling to operate an 8,600-bushel grain warehouse at Valley City, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-99
Earth Harvest Mills, Inc.
Ex Parte Cease & Desist

Mr. Christmann: I move the Commission inform Earth Harvest Mills, Inc. doing business as Dakota Prairie Organic Flour Company (EHM) that the Commission, based on information available to the Commission as of the date of this motion and subject to receipt of any information that causes the Commission to reconsider this motion, will schedule a formal meeting for the purpose of acting on a motion to lift the February 27, 2013 Cease and Desist Order, contingent upon EHM filing satisfactory proof with the Commission that EHM is in compliance with the following conditions:

1) EHM has fully paid all grain payable accounts due and past due as of the date EHM files the proof required in this Motion.

2) EHM agrees that EHM's total cash obligations at any given time for delivered grain will not exceed 200% of the amount of bond in place and on file with the Commission.

3) EHM agrees to pay for, or convert to a credit-sale contract if requested by the seller, each and every grain purchase within 45 days of the date the grain is delivered.

I further move that the Commission inform EHM that if the Commission receives a written claim for unpaid grain delivered to EHM, the Commission will direct staff to immediately prepare an Application for Appointment as Trustee, including a declaration of insolvency, for filing in Wells County District Court.

Mr. Kalk: 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

Ms. Fedorchak: I move the Commission issue a Notice of Hearing in the application of ONEOK Rockies Midstream, L.L.C. for a certificate of site compatibility for the construction of a 100 million standard cubic feet per day gas processing plant to be located in McKenzie County of North Dakota, Case No. PU-12-656.

Mr. Kalk: 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

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company's application for its Renewable Resource Cost Recovery Adjustment Factor, Case No. PU-13-16.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-680
Montana-Dakota Utilities Co.,
a Division of MDU
Natural Gas Pipeline - Morton County
Siting Application

Ms. Fedorchak: I move the Commission deem the applications for a waiver of procedures and time schedules, corridor certificate and route permit complete and issue a notice of filing and notice of hearing in Case No. PU-11-680, Montana Dakota Utilities Co.'s proposed 24-mile 10-inch diameter natural gas pipeline in Morton County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-696
Basin Electric Power Cooperative
345 kV Trans. Line - Mercer, Dunn,
McKenzie, Williams Counties
Siting Application

Mr. Kalk: I move the Commission retain Mitchell D. Armstrong to provide legal services to assist the Commission in processing Case No. PU-11-696, Basin Electric Power Cooperative, 345 kV Transmission Line, Mercer, Dunn, McKenzie, and Williams Counties, North Dakota, Siting Application.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Post Probationary Period
Salary Adjustment

Mr. Kalk: I move the approval of a salary increase effective March 26, 2013 for Position No. 5020, upon the satisfactory completion of the twelve month probationary period, in an amount consistent with the terms set forth in the Commission's March 8, 2012 offer of employment plus the 3% increase granted to 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. Christmann: I second the motion.

Roll Call: All voting "Aye."

AML Construction Inspector

Mr. Kalk: I move the Commission hire Raymond Kelsch for seasonal part-time employment as Construction Inspector for the AML Division with a period of employment starting on or after April 1, 2013, and ending no later than November 27, 2013, at a salary of \$17.50 per hour plus time and a half for hours in excess of the standard 40 hour work week.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

New Hire - Attorney II

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Ryan M. Norrell to fill Position No. 408-5029, Attorney II effective April 16, 2013, under the terms specified in the March 12, 2013 written offer of employment.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-303
Public Service Commission
Kindred Plumbing and Heating
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Patrick Fahn and Sara Cardwell as advocacy staff effective March 22, 2013 in Public Service Commission, Kindred Plumbing and Heating, Inc., Damage Prevention Enforcement, Case No. PU-12-303.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 2:53 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN