

April 10, 2013

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

Minutes

Mr. Kalk: I move the minutes of March 27, 2013 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-36
Shane Swanson
Damage Prevention Enforcement

Mr. Kalk: I move the Commission acknowledge the withdrawal by Staff of its April 4, 2013 complaint against Shane Swanson in the Public Service Commission's damage prevention enforcement action, Case No. PU-13-36.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-166
Reclamation
Rulemaking

Mr. Kalk: I move the Commission adopt the April 10, 2013, Order Submitting Revised Rules to Attorney General in Case No. RC-12-166, Reclamation Rulemaking, for an opinion as to legality. Article 69-05.2 Surface Coal Mining and Reclamation Operations.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-149
Crosswater Enterprises LLC
Roving Grain Buyer - Napoleon, ND
Discontinue Business

Mr. Kalk: I move the Commission adopt an order in Case No. GE-13-149 cancelling roving grain buyer license number 3185 issued to Crosswater Enterprises LLC of Napoleon, North Dakota, and ordering that all North Dakota roving grain buyer activities be discontinued effective April 13, 2013.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-105
Crosswater Grain, Division of
Crosswater Equipment
Roving Grain Buyer - Napoleon, ND
License Application

Mr. Kalk: I move the Commission approve the roving grain buyer license application in Case No. GE-13-105 for Crosswater Grain, Division of Crosswater Equipment, LLC of Napoleon, North Dakota, effective April 13, 2013.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-807
North Dakota Manufactured Housing
Association vs.
Montana Dakota Utilities Co.
Complaint

Mr. Kalk: I move the Commission adopt the Order of Dismissal in North Dakota Manufactured Housing Association vs. Montana Dakota Utilities Co., Complaint, Case No. PU-12-807.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-36
Shane Swanson
Damage Prevention Enforcement

WITHDRAWN

Case No. PU-13-36
Shane Swanson
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Shane Swanson, Case No. PU-13-36.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-13-17
American Colloid Co.
Revision No. 8, Permit ACPG-9701
Approval

Mr. Christmann: I move the Commission approve Revision No. 8 to Surface Coal Mining Permit No. ACPG-9701, held by American Colloid Company for the Page and Perkins Mines, to identify the next five-year coal removal subarea within the permit area and to update other information and plans in the permit.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-13-18
American Colloid Co.
Renewal No. 3, Permit ACPG-9701
Approval

Mr. Christmann: I move the Commission approve Renewal No. 3 to Surface Coal Mining Permit No. ACPG-9701, held by the American Colloid Company, to extend the permit term for another five years, until April 22, 2018.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-146
Ivan J. Gange
Auctioneer
License Application

Mr. Christmann: I move the Commission approve the auctioneer license application for Ivan J. Gange, Mandan, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-147
Ivan J. Gange
Auction Clerk
License Application

Mr. Christmann: I move the Commission approve the auction clerk license application for Ivan J. Gange, Mandan, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-218
BakkenLink Pipeline, LLC
Crude Oil Pipeline –
Williams to Billings Counties
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in the request of BakkenLink Pipeline, LLC for an amended corridor certificate, amended route permit, and application for waivers of procedures and time schedules concerning the construction by BakkenLink Pipeline LLC of approximately 132 miles of crude oil pipeline in Billings, Dunn, McKenzie, Stark and Williams Counties, North Dakota, Case No. PU-10-218.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-823
Enbridge Pipelines (ND)/Enbridge
Pipelines (Bakken)
Transfer of Corridor Certificate and
Route Permit
Siting Application

WITHDRAWN

Case No. PU-13-141
Montana-Dakota Utilities Co.,
a Division of MDU
City of Dickinson –
Service Area Agreement
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission assess a filing fee of \$10,000 and issue a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity For Hearing in the joint application of Montana-Dakota Utilities Company and Roughrider Electric Cooperative, Inc. for approval of an electric service area agreement and the resulting issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by MDU and Roughrider within and around the city of Dickinson, North Dakota, Case Nos. PU-13-141 and PU-13-142.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-142
MDU / Roughrider Electric Cooperative
City of Dickinson
Service Area Agreement

Case No. PU-13-36
Shane Swanson
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint Sara Cardwell and Patrick Fahn as advocacy staff effective April 4, 2013 in the Public Service Commission's damage prevention enforcement action concerning Shane Swanson, Case No. PU-13-36.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-145
Ernest Tormaschy
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint Sara Cardwell and Patrick Fahn as advocacy staff effective April 10, 2013 in the Public Service Commission's damage prevention enforcement action concerning Ernest Tormaschy, Case No. PU-13-145.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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Resignation
Environmental Engineer III

Mr. Kalk: I move the Commission accept, with regret, the resignation of Mike Berg effective April 26, 2013.

Mr. Christmann: I second the motion.

Roll call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:19 A.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN