

May 8, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 8, 2013, 9:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of April 23, 24, 30, 2013 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-166
Reclamation
Rulemaking

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

Mr. Christmann: 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 suspend the Earnings Sharing Adjustment filed in Montana-Dakota Utilities Co.'s electric rate increase application, Case No. PU-10-124.

Mr. Christmann: 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 of Opportunity for Hearing in Montana-Dakota Utilities Co.'s Application to share earnings above 10.75% with its customers for the year ended 2012, Case No. PU-10-124.

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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing 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. RC-13-14
Leonardite Products LLC
Revision No. 4, Permit GRGR-0501
Approval

Mr. Christmann: I move the Commission approve Revision No. 4 to Surface Coal Mining Permit No. GRGR-0501, held by Leonardite Products, LLC to delete 34.57 acres of land that have not been disturbed by mining activities from the permit.

Ms. Fedorchak: 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 adopt the Order in Case No. GE-13-99, Public Service Commission, Earth Harvest Mills, Inc. doing business as Dakota Prairie Organic Flour Company, Ex Parte Cease & Desist.

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

Case No. GE-13-192
Northwood Bean Co., Inc.
License No. 1136 - Northwood, ND
Suspension

Mr. Christmann: I move the Commission, under North Dakota Century Code § 60-02-09.1, adopt the Order Suspending Warehouse License Number 1136 of Northwood Bean Co., Inc. at their Northwood, North Dakota warehouse, effective April 24, 2013, for lack of adequate bond, and issue a Notice of Opportunity to be Heard in Case No. GE-13-192.

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

Case No. PU-10-657
Northern States Power Company
2011 Electric Rate Increase
Application

Ms. Fedorchak: I move the Commission approve the compliance filing by Northern States Power Company of a 2012 revenue true-up and the resulting one-time refund of \$201,000 to North Dakota electric customers to be implemented within 60 days, Case No. PU-10-657, 2011 Electric Rate Increase Application; Case No. PU-11-55, 2012 Electric Rate Increase Application; and Case No. PU-11-557, Customer Credit – DOE Settlement Application.

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

Case No. PU-11-55
Northern States Power Company
2012 Electric Rate Increase
Application

Case No. PU-11-557
Northern States Power Company
Customer Credit - DOE Settlement
Application

Case No. PU-12-683
Hess Corporation
14" Crude Oil Pipeline –
Williams County
Siting Application

Ms. Fedorchak: I move the Commission deem the application complete and issue a Notice of Filings and Notice of Hearing in the applications of Hess Corporation for a waiver of procedures and time schedules, a corridor certificate and a route permit for an existing 10.2 mile, 14 inch crude oil pipeline in Williams County, Case No. PU-12-683.

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 &
Route Permit
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order Reissuing Certificate and Permit in the joint application of Enbridge Pipelines (ND) and Enbridge Pipelines (Bakken) L.P. to transfer Certificate of Corridor Compatibility Number 68 and Route Permit Number 83 from Enbridge Pipelines (ND) to Enbridge Pipelines (Bakken) L.P. Case No. PU-12-823.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-136
Hiland Crude, LLC
Crude Oil Pipeline, McKenzie,
Williams, Mountrail Counties
Siting Application

Ms. Fedorchak: The applicant having filed a Letter of Intent prior to April 2, 2013, the effective date of the repeal of North Dakota Century Code section 49-22-07.1, the statute with the letter of intent requirement, I move the Commission acknowledge that a Letter of Intent is no longer required concerning Hiland Crude, LLC's existing 8-inch crude oil pipelines in McKenzie, Williams and Mountrail Counties of North Dakota, Case No. PU-13-136.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Ms. Fedorchak: I move the Commission retain Mitchell D. Armstrong to provide legal services to assist the Commission in processing Case No. PU-13-127, Allete, Inc., - 210 MW Bison IV Wind Farm, Mercer, Morton, and Oliver Counties, Siting Application.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:22 A.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN