

May 22, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 22, 2013, 8:30 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of May 8, 2013 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-75
Basin Electric Power Cooperative, Inc.
Electric Generation/Wind –
Ward County
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee refund to Basin Electric Power Cooperative in the amount of \$18.85, Case No. PU-08-75.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-195
Northern States Power Company
Red River Valley NG Units 1 & 2 -
Hankinson, ND
Public Convenience & Necessity

Mr. Kalk: I move the Commission assess a filing fee of \$125,000 in the application of Northern States Power Company for a certificate of public convenience and necessity to construct, own and operate two natural gas combustion turbine generators near Hankinson, North Dakota, Case No. PU-13-195.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-215
William Roger Jensen
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for William Roger Jensen, Langford, South Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-216
Richard A. Berens
Auctioneer License
Cancellation

Mr. Kalk: I move the Commission issue an order in Case No. AU-13-216 cancelling auctioneer license number 964 issued to Richard A. Berens, Buffalo, Minnesota and Fish Tail, Montana.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-12-636
Earth Harvest Mills, Inc.
License Renewal Year 2012
Annual Activity

Mr. Kalk: I move the Commission adopt the Order Granting Trade Secret Protection in Earth Harvest Mills, Inc., License Renewal Year 2012, Annual Activity, Case No. GE-12-636.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-202
JGL Grain O/A JGL Grain, LLC
Roving Grain Buyer - Moose Jaw, SK
License Application

Mr. Kalk: I move the Commission approve the roving grain buyer license application in Case No. GE-13-202 for JGL Grain O/A JGL Grain, LLC of Moose Jaw, Saskatchewan, Canada, effective June 1, 2013.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-330
Enbridge Pipelines (North Dakota) LLC
Trenton to Beaver Lodge Pipeline -
Williams County
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee refund to Enbridge Pipelines (North Dakota) LLC in the amount of \$16.14, Case No. PU-06-330.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-184
Dakota Gasification Company
CO2 Pipeline
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee refund to Dakota Gasification Company in the amount of \$14.64, Case No. PU-07-184.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-791
Enbridge Pipelines (North Dakota) LLC
Pump Station Upgrades
Siting Application

Mr. Kalk: I move the Commission issue a siting application fee refund to Enbridge Pipelines (North Dakota) LLC in the amount of \$7.27, Case No. PU-07-791.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-214
Montana-Dakota Utilities Co.,
a Division of MDU
Coyote Creek Mining Co., L.L.C.-
Mercer 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 Coyote Creek Mining Co., L.L.C. at a location in Mercer County, North Dakota, Case No. PU-13-214.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-51
Telrite Corporation
Designated Eligible Carrier
Application

HOLD OVER

Case No. PU-13-64
Courtenay Wind Farm, LLC
200.5 MW Wind Energy Conversion
Facility-Stutsman
Siting Application

Mr. Kalk: I move the Commission deem the application complete, conditioned on receiving final turbine locations and associated information at least one week prior to hearing, and issue a Notice of Filing and Notice of Hearing in the application of Courtenay Wind Farm, LLC for a certificate of site compatibility to authorize construction of a proposed 200.5 MW wind farm in Stutsman County, North Dakota, Case No. PU-13-64.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-13-92
Havelock C Construction
Project

Mr. Christmann: I move the Commission execute a contract with Martin Construction, Inc. in the amount of \$246,620.00 for construction services at the Havelock C AML Project in Hettinger County.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-213
Feed Mix, LLC
Grain Warehouse - Harvey, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-213 granting the request of Feed Mix, LLC to operate a 116,000-bushel grain warehouse at Harvey, North Dakota, effective June 1, 2013.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-13-93
Richter Construction
Project

Mr. Christmann: I move the Commission execute a contract with Baranko Brothers, Inc. in the amount of \$264,910.00 for construction services at the Richter AML Project in Morton County.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-13-217
2014 Administration and
Enforcement Grant
Application

Mr. Christmann: I move the Commission submit the 2014 Administration and Enforcement Grant Application to the Office of Surface Mining to request federal funds for the coal regulatory program for the next grant period that runs from July 1, 2013 to June 30, 2014.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-218
Jonathan P. Cuticelli
Auctioneer
License Application

Mr. Christmann: I move the Commission approve the auctioneer license application for Jonathan P. Cuticelli, Naples, Florida.

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 adopt the Order Amending Certificate of Site Compatibility in the application of ONEOK Rockies Midstream, L.L.C. to amend Certificate of Site Compatibility for the construction of another 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-13-194
Northern States Power Company
Advance Determination of Prudence -
NG Generators
Application

Mr. Kalk: I move the Commission appoint Mike Diller, Sara Cardwell and Ryan Norrell as advocacy staff in Northern States Power Company's applications for Advance Determination of Prudence and Certificate of Public Convenience and Necessity, Case Nos. PU-13-194 and PU-13-195.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-195
Northern States Power Company
Red River Valley NG Units 1 & 2 -
Hankinson, ND
Public Convenience & Necessity

Case No. PU-12-799
S. J. Louis Construction, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Ryan Norrell and Patrick Fahn as advocacy staff, effective May 10, 2013, in the Public Service Commission, S. J. Louis Construction, Inc., Damage Prevention Complaint, Case No. PU-12-799.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

AML Construction Inspector

Mr. Kalk: I move the Commission offer Al Brandt seasonal part-time employment as Construction Inspector for the AML Division for a period of employment starting on or after June 10, 2013, and ending no later than November 15, 2013, at a salary of \$17.00 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
Environmental Engineer III

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Bruce Johnson to fill Position No. 5023, Environmental Engineer III, effective June 1, 2013, under the terms specified in the May 17, 2013 written offer of employment.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Summer Legal Intern

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Austin Lafferty to fill the summer legal intern position under the terms specified in the May 17, 2013 written offer of employment.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-219
Public Service Commission
vs. Commercial Lynks Inc.
Complaint

Mr. Kalk: I move the Commission appoint Ryan Norrell and Michael McNamee as advocacy staff in Case No. GE-13-219, Public Service Commission vs. Commercial Lynks Inc., Complaint.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 9:28 A.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN