

July 10, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 10, 2013, 1:30 p.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of June 19, 2013 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-370
CPV Ashley Renewable Energy
Company, LLC
Ashley Wind Power - Power Project -
McIntosh County
Siting Application

Mr. Kalk: I move the Commission cancel Certificate of Site Compatibility for Energy Conversion Facility No. 20 and refund the remaining balance of the application fee in Case No. PU-09-370, CPV Ashley Renewable Energy Company, LLC's formerly proposed 200.1 MW Ashley Wind Energy Project in McIntosh County, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-670
Minnkota Power Cooperative, Inc.
345 kV Transmission Line –
Center to Grand Forks
Siting Application

Mr. Kalk: I move the Commission acknowledge the July 1, 2013 staff approval of four transmission line structure relocations in Wells and Grand Forks Counties in Minnkota Power Cooperative, Inc.'s 345 kV electric transmission line being constructed from Center to Grand Forks, North Dakota, Case No. PU-09-670.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-278
Loenbro, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission close the third party damage complaint submitted by Northwest Communications Cooperative against Loenbro Construction, Case No. PU 13 278.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification/Re-Certification
Approval

Mr. Kalk: I move the Commission approve blaster certification and re-certification for the following applicants:

Applicant	Affiliation	Certificate No.
Carolyn Fay Kosloski	Beulah	13-06-346
Melissa Marie Anderson	Beulah	13-06-347
Joseph D. Osborn	Beulah	13-06-348
Curtis McLaughlin	Beulah	04-11-274-R(3)
Robert Wade Madson	Vendor	13-06-349
Steve Dub	Falkirk	13-06-350
Brian T. Churchill	Falkirk	13-06-351
Tyler Barth	Freedom	13-06-352
Eric A. Zempel	Freedom	13-06-353

Continued
Blaster Certification/Re-Certification
Approval

Rick Stein Freedom 13-06-354
Michael Joseph Marshall Freedom 10-09-329-R(1)
Janet L. Fillbeck Freedom 01-10-255-R(4)

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

Case No. GE-13-362
U.S. Commodities, LLC and
AgMotion Specialty Grain
Roving Grain Buyer - Minneapolis, MN
License Application

Mr. Kalk: I move the Commission approve the
roving grain buyer license application in Case No.
GE-13-362 for U.S. Commodities, LLC and AgMotion
Specialty Grains of Minneapolis, Minnesota.

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

Case No. GE-13-509
Triple Crown Nutrition, Inc.
Roving Grain Buyer - Wayzata, MN
Discontinue Business

Mr. Kalk: I move the Commission adopt an order in
Case No. GE-13-509 cancelling roving grain buyer
license number 3153 issued to Triple Crown Nutrition,
Inc. of Wayzata, Minnesota, and ordering that all North
Dakota roving grain buyer activities be discontinued.

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

Case No. AU-13-512
Jay W. Temchack
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the
auctioneer license application for Jay W. Temchack,
Bismarck, North Dakota.

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

Case No. PU-11-109
Vantage Pipeline US LP
Natural Gas Liquids Pipeline –
Williams and Divide
Siting Application

Mr. Kalk: I move the Commission approve Vantage
Pipeline US LP's June 18, 2013 Tree and Shrub
Sampling Plan regarding the construction and operation
of approximately 79.8 miles of 10-inch natural gas liquids
pipeline in Williams and Divide Counties, North Dakota,
Case No. PU-11-109.

Mr. Christmann: 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 execute a
contract amendment with Bartlett & West, Inc. for
construction inspection services concerning ONEOK
Rockies Midstream, L.L.C. construction of two 100
million cubic feet per day gas processing plants known
as the Garden Creek II Plant and the Garden Creek III
Plant in McKenzie County, North Dakota, Case No.
PU-12-656.

Mr. Christmann: 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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Coyote Creek Mining Co., L.L.C. at locations in Mercer County, North Dakota, Case No. PU-13-214.

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

Case No. PU-13-403
Otter Tail Power Company
Robert Matejcek - Richland County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Robert Matejcek at a location in Richland County, North Dakota, Case No. PU-13-403.

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

Case No. PU-13-382
Montana-Dakota Utilities Co.,
a Division of MDU Re
Cogeneration/Small Power Producer
Rates

Mr. Kalk: I move the Commission approve Montana-Dakota Utilities Co.'s updated Cogeneration/ Small Power Producer rates, Case No. PU-13-382.

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

Case No. PU-13-272
Montana-Dakota Utilities Co.,
a Division of MDU
345 kV Transmission Line –
Ellendale to SD Border
Public Convenience & Necessity

Mr. Kalk: Believing that there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law and fact, I move the Commission consolidate under North Dakota Administrative Code section 69-02-04-04, Montana Dakota Utilities Co., 345 kV Transmission Line – Ellendale to SD Border, Public Convenience and Necessity, Case No. PU-13-272 with Otter Tail Power Company, 345 kV Transmission Line – Ellendale to SD Border, Public Convenience and Necessity, Case No. PU-13-273 and issue a Notice of Opportunity for Consolidated Hearing.

I further move the Commission assess a filing fee of \$10,000 in each case.

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

Case No. PU-13-273
Otter Tail Power Company
345 kV Transmission Line –
Ellendale to SD Border
Public Convenience & Necessity

Case No. PU-13-330
Griggs County Telephone Co.
Local Exchange
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Griggs County Telephone Co. for certificates of public convenience and necessity to provide facilities-based incumbent local exchange telecommunication services in the Enderlin and Sheldon exchanges in North Dakota, Case No. PU-13-330; and the application of Griggs County Telephone Co. for designation as an essential telecommunications carrier to receive federal universal service funding for those exchanges, Case No. PU-13-329

Case No. PU-13-329
Griggs County Telephone Co.
Designated Eligible Carrier
Application

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

Case No. PU-13-332
Montana-Dakota Utilities Co.,
a Division of MDU
Advance Determination of Prudence -
Lewis & Clark
Application

Mr. Kalk: I move the Commission issue a notice of opportunity for hearing in Montana-Dakota Utilities Company's Application for Advance Determination of Prudence – Lewis and Clark Generating Station, Case No. PU-13-332.

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

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

Mr. Kalk: I move the Commission deem the application complete conditioned on filing of final turbine locations by August 14, 2013 and issue a Notice of Filing and Notice of Hearing in the application of ALLETE, Inc. for a certificate of site compatibility to construct a proposed 210 MW Bison 4 Wind Project in Mercer, Morton and Oliver Counties of North Dakota, Case No. PU-13-127.

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

Case No. RC-12-763
Falkirk Mining Co.
Revision 30, Permit NAFK-8405
Approval

Mr. Christmann: I move the Commission approve Revision No. 30 to Surface Coal Mining Permit No. NAFK-8405 held by the Falkirk Mining Company to allow re-mining of the abandoned Figenskau underground coal mine and to update other information and reclamation plans in the existing permit. I further move the approval of the stipulation that increases the amount of Self-Bond No. SB-9503-3 to \$68,850,000.

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

Case No. WM-13-56
Fairmount Minerals
Variance Permit
Application

Mr. Christmann: I move the Commission acknowledge Fairmount Minerals' April 16, 2013 filing of a Compliance Plan concerning two truck scales located at Blaisdell, North Dakota and grant an extension of the Temporary Variance Permit issued for each truck scale changing the expiration date from October 31, 2013 to October 31, 2014, Case No. WM-13-56.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-13-78
BNI Coal, Ltd.
Renewal No. 6, Permit BNCR-8106
Approval

Mr. Christmann: I move the Commission approve Renewal No. 6 to Surface Coal Mining Permit No. BNCR-8106, held by BNI Coal, Ltd. for the Center Mine, to extend the permit term on the existing permit area for another five years, until July 18, 2018.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-13-162
Environmental Materials Inc.
Variance Permit
Application

Mr. Christmann: I move the Commission acknowledge Environmental Materials Inc.'s May 23, 2013 filing of a Compliance Plan concerning its truck scale located at Kildeer, North Dakota and grant an extension of the Temporary Variance Permit issued for the truck scale changing the expiration date from October 31, 2013 to October 31, 2014, Case No. WM-13-162.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Christmann: I move the Commission adopt the Consent Order in Public Service Commission vs. Commercial Lynks Inc., Complaint, Case No. GE-13-219.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-220
Commercial Lynks Inc.
Roving Grain Buyer - Alexandria, VA
License Application

Mr. Christmann: I move the Commission approve the roving grain buyer license application in Case No. GE-13-220 for Commercial Lynks Inc., Alexandria, Virginia.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-13-334
BNI Coal, Ltd.
Notice of Violation No. 1301
Violation

Mr. Christmann: I move the Commission assess a proposed penalty for Notice of Violation No. 1301 issued to BNI Coal, Ltd. and issue a notice of informal conference in the matter.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-511
CHS, Inc.
Facility-Based Grain Buyer –
West Fargo, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-511 cancelling facility-based grain buyer license number 2074 issued to CHS, Inc., St. Paul, Minnesota, at the West Fargo, North Dakota location and ordering that business at West Fargo, North Dakota is discontinued.

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
Rates

Ms. Fedorchak: I move the Commission adopt the order for Otter Tail Power Company's 2013 Renewable Resource Cost Recovery Adjustment Factor tariff, Case No. PU 13-16.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-22
Dakota Gasification Company
10" Natural Gas Pipeline - Mercer
County
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order and issue Certificate of Corridor Compatibility Number 142 and Route Permit Number 155 in Dakota Gasification Company's Siting Application to build a 3.5 mile 10" natural gas pipeline from the Dakota Gasification Plant to Basin Electric's Antelope Valley Station in Mercer County, North Dakota, Case No. PU-13-22.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-79
Otter Tail Power Company
Environmental Cost Recovery
Tariff

Ms. Fedorchak: I move the commission issue a Notice of Hearing, Case Nos. PU-13-79 and PU-13-84.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-84
Otter Tail Power Company
Environmental Cost Recovery
Rates

Case No. PU-13-83
Montana-Dakota Utilities Co.,
a Division of MDU
Environmental Cost Recovery
Rates

Ms. Fedorchak: I move the commission issue a
Notice of Hearing, Case Nos. PU-13-83 and PU-13-85.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-85
Montana-Dakota Utilities Co.,
a Division of MDU
Environmental Cost Recovery
Tariff

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

Mr. Kalk: I move the Commission retain Mitchell D.
Armstrong and Brian Schmidt to provide legal services to
assist the Commission in processing Case No. PU-13-
103, Allete, Inc., - 250 kV Transmission Line Reroute -
Kidder and Stutsman Counties, Siting Application.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Equity Adjustment

Mr. Kalk: I move the Commission, within
appropriated budget authority, grant a 1% equity
increase to position 5024 in accordance with legislative
intent for fiscal year 2014.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-79
Otter Tail Power Company
Environmental Cost Recovery
Tariff

Ms. Fedorchak: I move the Commission amend its
previously adopted July 10, 2013 Motion issuing a
Notice for Hearing in Case No. PU-13-79 and Case No.
PU-13-84 and its previously adopted July 10, 2013
Motion issuing a Notice for Hearing in Case No. PU-13-
83 and Case No. PU-13-85 as follows:

Believing that there will be no prejudice to the rights
of the parties or the public interest, and finding the cases
involve similar questions of law and fact, I move the
Commission consolidate under North Dakota
Administrative Code section 69-02-04-04, Otter Tail
Power Company, Environmental Cost Recovery Rider –
Tariff, Case No. PU-13-79, Otter Tail Power Company,
Environmental Cost Recovery Rider – Rates, Case No.
PU-13-84, Montana Dakota Utilities Co., Environmental
Cost Recovery – Rates, Case No. PU-13-83, and
Montana Dakota Utilities Co., Environmental Cost
Recovery Tariff, Case No. PU-13-85, and issue a Notice
of Consolidated Hearing.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-83
Montana-Dakota Utilities Co.,
a Division of MDU
Environmental Cost Recovery
Rates

Case No. PU-13-84
Otter Tail Power Company
Environmental Cost Recovery
Rates

Case No. PU-13-85
Montana-Dakota Utilities Co.,
a Division of MDU
Environmental Cost Recovery
Tariff

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ATTEST

THE COMMISSION ADJOURNED AT 04:30 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN