

September 25, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 25, 2013, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of September 10, 11, 16, 2013 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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

HOLD OVER

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

Mr. Kalk: I move the Commission execute a contract with Wenck Associates, Inc. for construction inspection services concerning ALLETE, Inc.'s construction of a 0.7 mile reroute of a 250 kV DC Electric Transmission Line in Stutsman County, North Dakota, Case No. PU-13-103.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-791
Richard Lande
Auctioneer License
Cancellation

Mr. Kalk: I move the Commission adopt an order in Case No. AU-13-791 cancelling auctioneer license number 782 issued to Richard Lande, Mayville, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-792
Richard Lande
Auction Clerk License
Cancellation

Mr. Kalk: I move the Commission adopt an order in Case No. AU-13-792 cancelling auction clerk license number 558 issued to Richard Lande, Mayville, 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 Counties
Siting Application

Mr. Kalk: I move the Commission acknowledge the withdrawal by Vantage Pipeline US LP of its request for a partial variance from a siting permit condition concerning the construction of a 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-12-675
Basin Transload, LLC
10-Inch Crude Oil Pipeline –
Mercer County
Siting Application

Mr. Kalk: I move the Commission amend Contract Number PU-683-13-EE with Wenck Associates, Inc. to terminate, effective September 10, 2013, construction inspection services concerning Basin Transload, LLC's construction of a 4-mile 10-inch diameter crude oil pipeline in Mercer County, North Dakota, Case No. PU-12-675.

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

Case No. PU-13-130
Montana-Dakota Utilities Co.,
a Division of MDU
Jameson Fischer- Kidder County
Public Convenience & Necessity

Mr. Kalk: I move the Commission approve the request of Montana-Dakota Utilities Co. to withdraw its application for a Certificate of Public Convenience and Necessity to extend electric service to Jameson Fischer at a location in Kidder County, North Dakota, Case No. PU-13-130.

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

Case No. PU-13-664
Montana-Dakota Utilities Co.,
a Division of MDU
Killdeer Mountain Contracting –
Dunn County
Public Convenience & Necessity

Mr. Kalk: I move the Commission approve the request of Montana-Dakota Utilities Co. to withdraw its application for a Certificate of Public Convenience and Necessity to extend electric service to Killdeer Mountain Contracting at a location in Dunn County, North Dakota, Case No. PU-13-664.

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

Case No. PU-13-725
Otter Tail Power Company
Johnson-Larson Farms-
Sargent County
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Power Company to extend electric service to Johnson-Larson Farms at a location in Sargent County, North Dakota, Case No. PU-13-725.

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

Case No. PU-13-733
Otter Tail Power Company
Bill Mauch - Richland County
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Power Company to extend electric service to Bill Mauch at a location in Richland County, North Dakota, Case No. PU-13-733.

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

Case No. PU-13-752
NextEra Energy Resources, LLC
Crude Oil Gathering Line –
McKenzie County, ND
Jurisdictional Determination

Mr. Kalk: I move the Commission acknowledge the withdrawal by NextEra Energy Resources, LLC of its request for a jurisdictional determination concerning a proposed crude oil pipeline in McKenzie County, North Dakota, Case No. PU-13-752.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-764
Montana-Dakota Utilities Co.,
a Division of MDU
Coby & Amanda Hubble -
Divide 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 Coby & Amanda Hubble at a location in Divide County, North Dakota, Case No. PU-13-764.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-199
Montana-Dakota Utilities Co.,
a Division of MDU
Crescent Point Energy U.S. Inc.-
Divide County
Public Convenience & Necessity

Mr. Kalk: I move the Commission assess a filing fee of \$20,000 in the application of Montana-Dakota Utilities Co. to extend electric service to Crescent Point Energy U.S. Inc. at a location in Divide County, North Dakota, Case No. PU-13-199.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-759
Northern States Power Company
Fargo - St. Cloud MN
345 KV CapX Transmission Line
Siting Application

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order amending Corridor Certificate No. 139 and Route Permit No. 152 to authorize corridor and route modifications for five segments of Northern States Power Company's Fargo to St. Cloud MN 345 kV electric transmission project in Cass County, North Dakota, Case No. PU-07-759.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-127
Allele, Inc.
210MW Bison 4 Wind Project –
Oliver 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. 34 to ALLETE, Inc. authorizing construction of its proposed Bison 4 Wind Project in Oliver County, North Dakota, Case No. PU-13-127.

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: I move the Commission adopt the Order issuing Certificates of Public Convenience and Necessity Nos. 5819 and 5820 to Montana-Dakota Utilities Co. and Otter Tail Power Company, respectively, for their joint participation in the North Dakota portion of a proposed Ellendale to Big Stone 345 kV electric transmission line and associated facilities in Dickey County, North Dakota, Case No. PU-13-272 and PU-13-273.

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

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-793
Basin Electric Power Cooperative
Wind Turbine Decommissioning
Investigation

Mr. Kalk: The Basin Electric Minot Wind Project, having been in operation for ten years, and subject to the provisions of N.D.C.C. 49-02-27 and N.D.A.C. 69-09-09, I move the Commission open an investigation requiring the owner/operator of the project to submit updated decommissioning information within thirty days for Commission review in order to determine the adequacy of the decommissioning plan and whether bonding or other financial assurance is needed to cover anticipated costs of decommissioning.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-794
FPL Energy North Dakota Wind, LLC
Wind Turbine Decommissioning
Investigation

Mr. Kalk: The Edgeley/Kuim Wind Project, having been in operation for ten years, and subject to the provisions of N.D.C.C. 49-02-27 and N.D.A.C. 69-09-09, I move the Commission open an investigation requiring the owner/operator of the project to submit updated decommissioning information within thirty days for Commission review in order to determine the adequacy of the decommissioning plan and whether bonding or other financial assurance is needed to cover anticipated costs of decommissioning.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-795
FPL Energy North Dakota Wind II, LLC
Wind Turbine Decommissioning
Investigation

Mr. Kalk: The Edgeley/Kuim Wind Project, having been in operation for ten years, and subject to the provisions of N.D.C.C. 49-02-27 and N.D.A.C. 69-09-09, I move the Commission open an investigation requiring the owner/operator of the project to submit updated decommissioning information within thirty days for Commission review in order to determine the adequacy of the decommissioning plan and whether bonding or other financial assurance is needed to cover anticipated costs of decommissioning.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-796
Minnkota Power Cooperative, Inc.
Wind Turbine Decommissioning
Investigation

Mr. Kalk: The Valley City Wind Project and Petersberg Wind Project, having been in operation for ten years, and subject to the provisions of N.D.C.C. 49-02-27 and N.D.A.C. 69-09-09, I move the Commission open an investigation requiring the owner/operator of the projects to submit updated decommissioning information within thirty days for Commission review in order to determine the adequacy of the decommissioning plan and whether bonding or other financial assurance is needed to cover anticipated costs of decommissioning.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-706
Northern States Power Company
Advance Determination of Prudence -
Courtenay Wind Project
Application

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, Northern States Power Company's applications for Advance Determination of Prudence, Courtenay Wind Project, Case No. PU-13-706, Odell Wind Project, Case No. PU-13-707, Pleasant Valley Wind Project, Case No. PU-13-708, Border Winds Project, Case No. PU-13-742, and Northern States Power Company's, 150 MW Border Winds Project, Rolette County, North Dakota, Public Convenience and Necessity, Case No. PU-13-743 and issue a Notice of Consolidated Hearing.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-707
Northern States Power Company
Advance Determination of Prudence -
Odell Wind Project
Application

Case No. PU-13-708
Northern States Power Company
Advance Determination of Prudence-
Pleasant Valley Project
Application

Case No. PU-13-742
Northern States Power Company
Advance Determination of Prudence -
Border Winds Project
Application

Motion Continued

Case No. PU-13-743
Northern States Power Company
150 MW Border Winds Project –
Rolette County, ND
Public Convenience & Necessity

State Reclamation Award
2013 Award

Mr. Christmann: I move the Commission present the 2013 North Dakota Award for Excellence in Surface Coal Mining and Reclamation to Mr. John Dwyer.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-13-775
Coteau Properties Company
Revision 40 to Permit No. NACT-9501
Approval

Mr. Christmann: I move the Commission approve Revision No. 40 to Surface Coal Mining Permit NACT-9501, held by Coteau Properties Company to delete 39.98 acres from the permit that have not been disturbed by mining activities.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-777
Riverland Ag Corp.
Facility-Based Grain Buyer -
Wahpeton, ND
Discontinue Business

Mr. Christmann: I move the Commission rescind the September 11, 2013 Motion adopting Order Granting Request to Discontinue Business and adopt the September 25, 2013 Order Granting Request to Discontinue Business in Case No. GE-13-777, Riverland Ag Corp., Facility-Based Grain Buyer – Wahpeton, ND, Discontinue Business effective October 1, 2013.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-778
Minn-Kota Ag Products, Inc.
Facility-Based Grain Buyer -
Wahpeton, ND
License Application

Mr. Christmann: I move the Commission rescind the September 11, 2013 Motion adopting Order Granting License Application and adopt the September 25, 2013 Order Granting License Application in Case No. GE-13-778, Minn-Kota Ag Products, Inc., Facility-Based Grain Buyer – Wahpeton, ND, License Application effective October 1, 2013.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Christmann: I move the Commission close out Contract No. AM-673-13 with Martin Construction, Inc. for completion of the 2013 Havelock C abandoned mine lands construction project.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-13-93
Richter Construction
Project

Mr. Christmann: I move the Commission close out Contract No. AM-674-13 with Baranko Brothers, Inc. for completion of the 2013 Richter abandoned mine lands construction project.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-13-96
AML Division 2013 Project
Maintenance
Project

Mr. Christmann: I move the Commission authorize staff to issue change orders to increase the amount of Contract No. AM-679-13 with Pleasant & Sons Construction, Inc. up to \$150,000 for sinkhole filling and other maintenance work at abandoned coal mines.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-675
Basin Transload, LLC
10-Inch Crude Oil 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 145 and Route Permit Number 157 in Basin Transload, LLC's Siting Application to build a 4 mile 10" diameter crude oil pipeline in Mercer County, North Dakota, Case No. PU-12-675.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-803
Montana-Dakota Utilities Co.,
a Division of MDU
Natural Gas Service Rate Increase
Application

Ms. Fedorchak: I move the Commission suspend Montana-Dakota Utilities Co.'s, a Division of MDU Resources rates filed with its Natural Gas Service Rate Increase application in Case No. PU-13-803.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-706
Northern States Power Company
Advance Determination of Prudence -
Courtenay Wind Project
Application

Case No. PU-13-707
Northern States Power Company
Advance Determination of Prudence -
Odell Wind Project
Application

Case No. PU-13-708
Northern States Power Company
Advance Determination of Prudence-
Pleasant Valley Project
Application

Case No. PU-13-742
Northern States Power Company
Advance Determination of Prudence -
Border Winds Project
Application

Case No. PU-13-743
Northern States Power Company
150 MW Border Winds Project –
Rolette County, ND
Public Convenience & Necessity

Mr. Kalk: I move the Commission retain Mitchell D. Armstrong and Brian Schmidt as advisory staff counsel to assist the Commission in processing Northern States Power Company's applications for Advance Determination of Prudence, Courtenay Wind Project, Case No. PU-13-706, Odell Wind Project, Case No. PU-13-707, Pleasant Valley Wind Project, Case No. PU-13-708, Border Winds Project, Case No. PU-13-742, and Northern States Power Company's, 150 MW Border Winds Project, Rolette County, North Dakota, Public Convenience and Necessity, Case No. PU-13-743.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:08 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN