

December 4, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 4, 2013, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of November 13, 22, 2013 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-729
Montana-Dakota Utilities Co.,
a Division of MDU
Ryan Thompson - McKenzie 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., A division of MDU Resources Group, Inc. to extend electric service to Ryan Thompson at a location in McKenzie County, North Dakota, Case No. PU-13-729.

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 adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co., A division of MDU Resources Group, Inc. 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-13-800
Otter Tail Power Company
Jim Kirkeide - Wells 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 Jim Kirkeide at a location in Wells County, North Dakota, Case No. PU-13-800.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-807
Otter Tail Power Company
Scott Heley - 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 Scott Heley at a location in Richland County, North Dakota, Case No. PU-13-807.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-333
USF Use Certification 47 CFR 54.314
(2014)
Compliance

Mr. Kalk: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support for rural eligible telecommunications carriers to receive federal universal service funding in 2014, Case No. PU-13-333.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-98
Nexus Communications, Inc.
Designated Eligible Carrier
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing concerning Nexus Communications, Inc.'s amended application to be designated as an eligible carrier throughout the entire state, including tribal areas for the purpose of receiving federal universal service support for Lifeline service, Case No. PU-13-98.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-792
Falkirk Mining Company
Bond Release No. 4,
Permit NAFK-8705
Approval

Mr. Christmann: I move the Commission approve Bond Release No. 4 for Surface Coal Mining Permit NAFK-8705, held by The Falkirk Mining Company, to release all remaining reclamation liabilities on 40.1 acres of land located in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 1, T145N, R83W, McLean County. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition at the Falkirk Mine. This release will become effective January 6, 2014, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-793
Falkirk Mining Company
Bond Release No. 5,
Permit NAFK-8705
Approval

Mr. Christmann: I move the Commission approve Bond Release No. 5 for Surface Coal Mining Permit NAFK-8705, held by The Falkirk Mining Company, to release all reclamation liabilities on 137.6 acres of land located in a portion of Section 20, T146N, R82W, McLean County. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition at the Falkirk Mine. This release will become effective January 6, 2014, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-13-95
Beulah/Zap Phase 14 Construction
Project

Mr. Christmann: I move the Commission close out Contract No. 675-13 with B & C Concrete Pumping, Inc. and Contract No. 676-13 with Northeast Technical Services, Inc. for completion of work on the 2013 Beulah/Zap Phase 14 AML Project.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-864
Wagner's LLC dba Shafer Seed
Company
Grain Warehouse - Norway Spur, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-864 granting the request of Wagner's LLC dba Shafer Seed Company of Oakes, North Dakota to operate a 150,000-bushel grain warehouse at Norway Spur, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-865
SK Food International Inc
Roving Grain Buyer - Fargo, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-865 cancelling roving grain buyer license number 3011 issued to SK Food International Inc. of Fargo, North Dakota, and ordering that all North Dakota roving grain buyer activities be discontinued effective December 31, 2013.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-866
LD Commodities Portland LLC
Roving Grain Buyer - Wilton, CT
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-866 cancelling roving grain buyer license number 3181 issued to LD Commodities Portland LLC of Wilton, Connecticut, and ordering that all North Dakota roving grain buyer activities be discontinued effective December 31, 2013.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-190
Hiland Operating, LLC
6-Inch Natural Gas Pipeline –
Divide and Burke Counties
Siting Application

Ms. Fedorchak: I move the Commission Hold Over the Findings of Fact, Conclusions of Law, and Order in the applications of Hiland Operating, LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit for an existing 6 mile, 6-inch natural gas pipeline in Divide and Burke Counties, North Dakota, Case No. PU-12-190.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-738
ONEOK Rockies Midstream
LLC/ONEOK Bakken Pipeline
Transfer - Certificate #122 and
Permit #131
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order Reissuing Certificate and Permit in the joint application of ONEOK Rockies Midstream, LLC and ONEOK Bakken Pipeline, LLC to transfer Certificate of Corridor Compatibility Number 122 and Route Permit Number 131 from ONEOK Rockies Midstream, LLC to ONEOK Bakken Pipeline, LLC in Case No. PU-13-738.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-737
ONEOK Rockies Midstream,
LLC/ONEOK Bakken Pipeline, LLC
Transfer - Certificate #131 and
Permit #140
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order Reissuing Certificate and Permit in the joint application of ONEOK Rockies Midstream, LLC and ONEOK Bakken Pipeline, LLC to transfer Certificate of Corridor Compatibility Number 131 and Route Permit Number 140 from ONEOK Rockies Midstream, LLC to ONEOK Bakken Pipeline, LLC in Case No. PU-13-737.

Mr. Christmann: I second the motion.

Mr. Christmann: I rescind the second to the motion.

Ms. Fedorchak: I rescind the motion.

Case No. PU-12-813
Northern States Power Company
2013 Electric Rate Increase
Application

Mr. Kalk: I move the Commission retain Mitchell Armstrong, effective on the effective date of his appointment as a Special Assistant Attorney General for the captioned case, to provide legal services to assist the Commission in processing Northern States Power Company's Electric Rate Increase Application in Case No. PU-12-813.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-840
Montana-Dakota Utilities /
Otter Tail Power Co.
345kV Transmission Line –
Dickey County
Siting Application

Mr. Kalk: I move the Commission retain Zachary Pelham, effective November 26, 2013, to provide legal services to assist the Commission in processing Case No. PU-13-840, Montana-Dakota Utilities / Otter Tail Power Co., 345kV Transmission Line, Dickey County, Siting Application.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Weights and Measures Inspector
Retirement

Mr. Kalk: I move the Commission acknowledge the retirement of Leo Praus effective November 29, 2013.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Post-Probationary Period Salary
Adjustment

Mr. Kalk: I move the approval of a 5% salary increase and removal of probationary status effective December 1, 2013 for Position No. 408-27148, consistent with the budget.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:01 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN