

March 26, 2014

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 26, 2014, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of March 12, 2014 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-128  
Rex Defoe Schrader, II  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Rex Defoe Schrader, II, Columbia City, Indiana.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-129  
Bert Heaton  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Bert Heaton, Bismarck, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-130  
Steven M Bitz  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Steven M Bitz, Bismarck, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-131  
Steven M Bitz  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Steven M Bitz, Bismarck, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-132  
Jason Pulver  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Jason Pulver, Hazen, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-133  
Jason Pulver  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Jason Pulver, Hazen, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-631  
Montana-Dakota Utilities Co.,  
a Division of MDU  
88 MW Simple Cycle Combustion  
Turbine  
Siting Application

Mr. Kalk: I move the Commission approve Montana-Dakota Utilities Co.'s February 25, 2014, Tree and Shrub Mitigation Plan regarding the construction of a 24-mile, 10-inch diameter natural gas pipeline and an 88-MW simple cycle combustion turbine in Morton County, North Dakota, Case Nos. PU-11-680 and PU-11-631.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-680  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Natural Gas Pipeline - Morton County  
Siting Application

Case No. PU-12-790  
Basin Electric Power Cooperative  
Lonesome Creek Station –  
McKenzie 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 37 to Basin Electric Power Cooperative authorizing construction of two additional 45 MW combustion turbine generators at its Lonesome Creek Station in McKenzie County, North Dakota, Case No. PU-12-790.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-383  
Rodenbough Trucking &  
Excavating, Inc.  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Rodenbough Trucking & Excavating, Inc., Case No. PU-13-383.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-788  
Buffalo Concrete, LLP  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Buffalo Concrete, LLP, Case No. PU-13-788.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-900  
Great River Energy  
DC Line Clearance Issues  
Siting Application

Mr. Kalk: I move the Commission adopt the Order Granting Variance in the application of Great River Energy for a variance from Special Condition #4 of Route Permit No. 1 regarding minimum ground clearances of four conductor spans along its 400 kV DC Line in Burleigh, Kidder and McLean Counties, Case No. PU-13-900

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-126  
Northern States Power Company  
230/115kV 336 MVA transformer -  
Prairie Substation  
Public Convenience & Necessity

Mr. Kalk: I move the Commission assess a filing fee of \$10,000 and issue a Notice of Opportunity for Hearing in the application of Northern States Power Company for a certificate of public convenience and necessity to add a transformer to NSP's Prairie Substation in Grand Forks and extend approximately 1,100 feet of 230 kV electric transmission line to interconnect with Minnkota Power Cooperative's Prairie Substation in Grand Forks County, North Dakota, Case No. PU-14-126.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-117  
AT&T Corp.  
v. Broadvox-CLEC, LLC  
Complaint

Mr. Kalk: I move the Commission find the March 12, 2014 Complaint filed by AT&T Corp. states a prima facie case and serve the complaint on the Respondent, Broadvox-CLEC, LLC, Case No. PU-14-117.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-13-96  
Maintenance  
Project

Mr. Christmann: I move the Commission amend Contract No. AM-679-13 with Pleasant & Sons Construction, Inc. to increase the total contract amount to \$225,000 for sinkhole filling and other maintenance work at abandoned coal mines.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-193  
Earth Harvest Mills, Inc.  
dba Dakota Prairie Organ  
Grain Warehouse  
Insolvency

Mr. Christmann: I move the Commission file the Report and Recommendation of Trustee with Wells County District Court, along with the related motion and support documents, in Earth Harvest Mills, Inc. dba Dakota Prairie Organic Flour Company, Grain Warehouse, Insolvency, Case No. GE-13-193.

I further move that once the Report and Recommendation is approved by the District Court, the Licensing Director be authorized to pay all valid claims as soon as possible.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-127  
Souris River Cooperative  
Facility-Based Grain Buyer - Antler, ND  
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-14-127 cancelling facility-based grain buyer license number 2111 issued to Souris River Cooperative at Antler, North Dakota and ordering that business at Antler, North Dakota is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-898  
Cass County Electric Coop /  
City of Valley City  
Valley City  
Service Area Agreement

Ms. Fedorchak: I move the Commission adopt the Order Approving Electric Service Area Agreement in the joint application of Cass County Electric Cooperative, Inc. and the City of Valley City for approval of a service area agreement to establish and designate service locations to be served by Cass Electric and the City in and around Valley City, North Dakota, Case No. PU-13-898.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-134  
Northern Excavating Co., Inc.  
(4-fiber 2nd time)  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Julie Prescott as advocacy staff effective March 26, 2014, in the Public Service Commission damage enforcement action concerning Northern Excavating Co., Inc., Case No. PU-134.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Attorney II Resignation

Mr. Kalk: I move the Commission accept, with regret, the resignation of Ryan Norrell effective April 21, 2014.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:44 A.M.

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Executive Secretary

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BRIAN P. KALK, CHAIRMAN