

April 23, 2014

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 23, 2014, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of April 9, 2014, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-790
Basin Electric Power Cooperative
Lonesome Creek Station –
McKenzie County
Siting Application

Mr. Kalk: I move the Commission execute a contract with Carlson McCain, Inc. Inc. for construction inspection services concerning Basin Electric Power Cooperative's construction of Phase II of 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. PU-12-500
True Wireless, LLC
Designated Eligible Carrier
Application

Mr. Kalk: I move the Commission approve the request of True Wireless, LLC to withdraw its application to be designated as an eligible carrier for the purpose of receiving federal universal service support, Case No. PU-12-500.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-45
Montana-Dakota Utilities Co.,
a Division of MDU
Oasis Petroleum-5692-43-18-
Mountrail 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 Oasis Petroleum at a location in Mountrail County, North Dakota, Case No. PU-14-45.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-46
Montana-Dakota Utilities Co.,
a Division of MDU
Oasis Petroleum 5692-21-20-
Mountrail 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 Oasis Petroleum at a location in Mountrail County, North Dakota, Case No. PU-14-46.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-47
Montana-Dakota Utilities Co.,
a Division of MDU
Oasis Petroleum 5692-44-18-
Mountrail 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 Oasis Petroleum at a location in Mountrail County, North Dakota, Case No. PU-14-47.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-136
Montana-Dakota Utilities Co.,
a Division of MDU
Scott Hoovestol - Morton 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., a Division of MDU Resources Group, Inc. to extend electric service to Scott Hoovestol at a location in Morton County, North Dakota, Case No. PU-14-136.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-141
Montana-Dakota Utilities Co.,
a Division of MDU
Des Lacs National Wildlife Refuge-
Ward 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., a Division of MDU Resources Group, Inc. to extend electric service to Des Lacs National Refuge at a location in Ward County, North Dakota, Case No. PU-14-141.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-142
Otter Tail Power Company
Environmental Cost Recovery
Rates

Mr. Kalk: I move the commission suspend the tariff revisions filed in Otter Tail Power Company's Annual Environmental Cost Recovery Rider and reduce the filing fee to \$10,000, Case No. PU 14-142.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-143
Montana-Dakota Utilities Co.,
a Division of MDU
Environmental Cost Recovery
Rates

Mr. Kalk: I move the Commission suspend the tariff revisions filed in Montana-Dakota Utilities Co.'s Annual Environmental Cost Recovery Rider and reduce the filing fee to \$10,000, Case No. PU 14-143.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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

Case No. PU-13-194
Northern States Power Company
Advance Prudence - NG Generators
Application

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

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

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

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

Case No. PU-13-742
Northern States Power Company
Advance Prudence - Border Winds
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 approve Northern States Power Company's tariffs filed April 4, 2014, to comply with the Commission's February 26, 2014 Order Adopting Settlement, in the captioned Case Nos. PU-12-813, PU-13-706, PU-13-707, PU-13-708, PU-13-742, PU-13-743, PU-13-194, PU-13-195.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-696
Basin Electric Power Cooperative
345 kV Trans. Line - Mercer, Dunn,
McKenzie, Williams Counties
Siting Application

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order granting a waiver of procedures and time schedules and issuing Corridor Certificate No. 152 and Route Permit No. 164 to Basin Electric Power Cooperative authorizing construction of approximately 197 miles of 345 kV and 230 kV electric transmission line and associated facilities extending from the Antelope Valley Station near Beulah, North Dakota to the Neset substation near Tioga, North Dakota, Case No. PU-11-696.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-735
Heartland Grading
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Heartland Grading, Inc., Case No. GS-13-735.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-39
Northern States Power Company
230 Kv Peace Garden Switching
Station Transmission Line
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 modification or amendment to Certificate of Public Convenience and Necessity No. 5465 in order to relocate the 230 kV Peace Garden Switching Station approximately two miles North of its previously permitted location in Rolette County, North Dakota, Case No PU-12-39.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-48
Concord Grain, LLC
Roving Grain Buyer - Aberdeen, SD
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-14-048 granting the request of Concord Grain, LLC of Aberdeen, South Dakota to operate as a roving grain buyer in North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-14-144
2015 Administration and Enforcement
Grant
Application

Mr. Christmann: I move the Commission submit the 2015 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 begins July 1, 2014 and ends June 30, 2015.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-171
Great Plains Processing, LLC dba
Northern Plains G
Grain Warehouse - Rhame, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-14-171 granting the request of Great Plains Processing, LLC doing business as Northern Plains Grain and Milling, Fargo, North Dakota, to operate a 157,000-bushel grain warehouse at Rhame, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-551
Great Plains Natural Gas Co.
Hwy 13 Extension Surcharge &
Dekatherm Billing
Tariff

Ms. Fedorchak: I move the Commission approve the revised tariffs and rate changes filed by Great Plains Natural Gas Co., Case No. PU-13-551.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-95
Hess Corporation / Hess Tioga Gas
Plant LLC
Transfer of Route Permit
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order Reissuing Certificate and Permit in the joint application of Hess Corporation and Hess Tioga Gas Plant LLC to transfer Certificate of Corridor Compatibility No. 62 and Route Permit Number 72 from Hess Corporation to Hess Tioga Gas Plant LLC, Case Nos. PU-14-95 and PU-14-96.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-96
Hess Corporation / Hess Tioga Gas
Plant LLC
Transfer of Corridor Certificate
Siting Application

Case No. PU-14-108
Montana-Dakota Utilities Co.,
a Division of MDU
Generation Resource Cost Recovery
Tariff

Ms. Fedorchak: I move the Commission issue a Notice of Hearing in Montana-Dakota Utilities Co.'s applications for a Generation Resource Recovery Rider, Tariff, Case No. PU-14-108, and Rates, Case No. PU-14-109.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-109
Montana-Dakota Utilities Co.,
a Division of MDU
Generation Resource Cost Recovery
Rates

Case No. PU-14-142
Otter Tail Power Company
Environmental Cost Recovery
Rates

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing, in Otter Tail Power Company's Environmental Cost Recovery Rider, Case No. PU-14-142.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-143
Montana-Dakota Utilities Co.,
a Division of MDU
Environmental Cost Recovery
Rates

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.'s, Environmental Cost Recovery Rider Tariff, Case No. PU-14-143.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-135
Belle Fourche Pipeline Company
10-Inch Crude Oil Pipeline –
Billings, Dunn, Stark Counties
Siting Application

Ms. Fedorchak: I move the Commission deem complete the applications of Belle Fourche Pipeline Company for a corridor certificate, for a route permit, and for a waiver of procedures and time schedules, and further move the Commission issue a Notice of Filings and Notice of Hearing concerning the construction of a 20-mile, 10-inch crude oil pipeline in Billings, Dunn, and Stark Counties of North Dakota, Case No. PU-14-135.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-157
Montana-Dakota Utilities Co.,
a Division of MDU
City of Watford City –
Service Area Agreement
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission assess a filing fee of \$10,000 and issue a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity For Hearing in the joint application of Montana-Dakota Utilities Company and McKenzie Electric Cooperative, Inc. for approval of an electric service area agreement and the resulting issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by MDU and McKenzie Electric within and around the city of Watford City, North Dakota, Case Nos. PU-14-157 and PU-14-158.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-158
MDU / McKenzie Electric Cooperative,
Inc.
City of Watford City
Service Area Agreement

Abandoned Mine Lands Division
Legal Services for Title Opinions

Mr. Kalk: I move the Commission retain Ryan Norrell to provide legal services to the Commission to prepare nine title opinions for future Abandoned Mine Lands reclamation projects.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-707
Budget PrePay, Inc.
Designated Eligible Carrier
Application

Mr. Kalk: I move the Commission bill Budget PrePay, Inc. for costs incurred to date in Case No. PU-12-707.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-820
Total Call Mobile, Inc.
Designated Eligible Carrier
Application

Mr. Kalk: I move the Commission bill Total Call Mobile, Inc. for costs incurred to date in Case No. PU-12-820.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move the Commission bill Telrite Corporation for costs incurred to date in Case No. PU-13-51.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-712
Tom's Backhoe Service, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission retain Ryan Norrell to provide legal services to assist the Commission as counsel for advocacy staff in Public Service Commission, Tom's Backhoe Service, Inc., Damage Prevention Enforcement, Case No. PU-13-712.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-105
Sunflower Wind Project, LLC
Wind Energy Conversion Facility -
Stark & Morton
Siting Application

Mr. Kalk: I move the Commission retain Ryan Norrell to provide legal services to assist the Commission in processing Sunflower Wind Project, LLC, Wind Energy Conversion Facility, Stark & Morton, Siting Application, Case No. PU-14-105.

Mr. Christmann: 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 retain Ryan Norrell to provide legal services to assist the Commission in processing At&T Corp. v. Broadvox-CLEC, LLC, Complaint, Case No. PU-14-117.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-871
Montana-Dakota Utilities Co.,
a Division of MDU Re
Menard Inc. - Burleigh County, ND
Public Convenience & Necessity

Mr. Kalk: I move the Commission retain Ryan Norrell to provide legal services to assist the Commission in processing Montana-Dakota Utilities Co., Menard Inc., - Burleigh County, ND, Public Convenience & Necessity, Case No. PU-13-871.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-108
Montana-Dakota Utilities Co.,
a Division of MDU Re
Generation Resource Cost Recovery
Tariff

Case No. PU-14-109
Montana-Dakota Utilities Co.,
a Division of MDU Re
Generation Resource Cost Recovery
Rates

ATTEST

Mr. Kalk: I move the Commission retain Ryan Norrell to provide legal services to assist the Commission as counsel for advocacy staff in Montana-Dakota Utilities Co., Generation Resource Cost Recovery, Tariff, Case No. PU-14-108 and Montana-Dakota Utilities Co., Generation Resource Cost Recovery, Rates, Case No. PU-14-109.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

THE COMMISSION ADJOURNED AT 12:21 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN