

October 8, 2014

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 8, 2014, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of September 17, 19, 2014 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-121
Allete, Inc.
250kV DC Trans. Line Reroute –
Cass County
Siting Application

Mr. Kalk: I move the Commission execute a construction inspection contract with Wenck Associates, Inc., in ALLETE, Inc., 250 kV DC Trans Line Reroute – Cass County, Siting Application, Case No. PU-14-121.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-695
Harvey Sand & Gravel, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission close the ND One-Call Complaint submitted by Otter Tail Power Company against Harvey Sand & Gravel, Inc., Case No. PU-14-695.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Blaster Re-Certification
Approval

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

No.	Applicant	Affiliation	Certificate No.
1.	Adrian Dvorak	Falkirk Mine	09-04-307-R(2)
2.	Kim Ankenbauer	Falkirk Mine	05-10-279-R(3)
3.	Joel Fricke	Falkirk Mine.....	11-09-334-R(1)
4.	Kevin Sasse.....	Beulah Mine.....	11-09-333-R(1)

Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-729
Dennis Clarke Haughian
Auctioneer License
Cancellation

Mr. Kalk: I move the Commission issue an order in Case No. AU-14-729 cancelling auctioneer license number 799 issued to Dennis Clarke Haughian, Billings, Montana.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-122
Montana-Dakota Utilities Co.,
a Division of MDU
Continental Resources –
Williams County
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Continental Resources – Williams County, Public Convenience & Necessity, Case No. PU-14-122.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-538
Otter Tail Power Company
Scott & Roxanna Privratsky –
Ramsey County
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity in Otter Tail Power Company, Scott & Roxanna Privratsky - Ramsey County, Public Convenience & Necessity, Case No. PU-14-538.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-614
Montana-Dakota Utilities Co.,
a Division of MDU
Northern Plains Coop.-
Emmons County
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Northern Plains Coop. – Emmons County, Public Convenience & Necessity, Case No. PU-14-614.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-627
Montana-Dakota Utilities Co.,
a Division of MDU
Chris & Anna Cook
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Chris & Anna Cook, Public Convenience & Necessity, Case No. PU-14-627.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-677
Otter Tail Power Company
Josh Kuntz - Ramsey County
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity in Otter Tail Power Company, Josh Kuntz - Ramsey County, Public Convenience & Necessity, Case No. PU-14-677.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-697
Montana-Dakota Utilities Co.,
a Division of MDU
Aaron Ternes - Emmons County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Aaron Ternes - Emmons County, Public Convenience & Necessity, Case No. PU-14-697.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-699
Montana-Dakota Utilities Co.,
a Division of MDU
Verizon - Williams County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Verizon – Williams County, Public Convenience & Necessity, Case No. PU-14-699.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-700
Montana-Dakota Utilities Co.,
a Division of MDU
Chris Rystedt - Burke County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Chris Rystedt – Burke County, Public Convenience & Necessity, Case No. PU-14-700.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-720
Blue Jay Wireless, LLC
Designated Eligible Carrier
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Blue Jay Wireless, LLC, Designated Eligible Carrier, Case No. PU-14-720.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-723
2015 One-Call Grant
Grants and Contracts

Mr. Kalk: I move the Commission acknowledge the September 23, 2014 electronic submittal of the 2015 Pipeline Safety One Call Grant Application in the amount of \$10,000 to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, D.C. for the development and conduct of a damage prevention awareness campaign, Public Service Commission, 2015 One-Call Grant, Application, Case No. GS-14-723.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-728
2015 Federal/State Gas Pipeline
Safety
Grants and Contracts

Mr. Kalk: I move the Commission acknowledge the September 24, 2014 electronic submittal of the 2015 Natural Gas Pipeline Safety Program Base Grant Application in the amount of \$335,022 to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, D.C. for the operation and management of the 2015 North Dakota intrastate gas pipeline safety program, Public Service Commission, 2015 Federal/State Gas Pipeline Safety, Grants and Contracts, Case No. GS-14-728.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-877
Northern Excavating Co., Inc.
(7-25-2013)
Damage Prevention Enforcement

Case No. PU-13-878
Northern Excavating Co., Inc.
(8-2-2013)
Damage Prevention Enforcement

Case No. PU-13-879
Northern Excavating Co., Inc.
(25 pair copper)
Damage Prevention Enforcement

Case No. PU-13-880
Northern Excavating Co., Inc.
(144 Fiber Optic)
Damage Prevention Enforcement

Case No. PU-13-881
Northern Excavating Co., Inc.
(9-17-2013)
Damage Prevention Enforcement

Case No. PU-13-882
Northern Excavating Co., Inc.
(9-30-2013)
Damage Prevention Enforcement

Case No. PU-13-883
Northern Excavating Co., Inc.
(75 pair 2nd time)
Damage Prevention Enforcement

Case No. PU-14-738
Comments to FERC regarding SPP
Information

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 Excavating Co., Inc's Damage Prevention Enforcement Case No. PU-13-877, Case No. PU-13-878, Case No. PU-13-879, Case No. PU-13-880, Case No. PU-13-881, Case No. PU-13-882, and Case No. PU-13-883, and issue a Notice of Consolidated Hearing.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission submit its Notice of Intervention and comments to the Federal Energy Regulatory Commission related to the Southwest Power Pool, Inc.'s (SPP) September 11, 2014 filings proposing revisions to its tariffs to facilitate the integration of the Western Area Power Cooperative – Upper Great Plains Region, Basin Electric Power Cooperative and Heartland Consumers Power District into the SPP markets and transmission owners.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Coal Regulatory Program
2014 OSM Evaluation Reports

Mr. Christmann: I move the Commission accept the federal Office of Surface Mining's 2014 Evaluation Report for the Coal Regulatory Program.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-628
Southeastern School of Auctioneering
Auction School Certification –
Pelzer, SC
Application

Mr. Christmann: I move the Commission adopt an order in Case No. AU-14-628 granting the request for certification to Southeastern School of Auctioneering, Pelzer, South Carolina, as an approved auction school as required by North Dakota Administrative Code section 69-08-01-01.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-733
Southam Elevator Co.
License No. 247 - Southam, ND
Suspension

Mr. Christmann: I move the Commission, under North Dakota Century Code section 60-02-09.1, adopt the Order Suspending Warehouse License Number 247 of Southam Elevator Co. at their Southam, North Dakota warehouse, effective October 1, 2014, for lack of adequate bond, and issue a Notice of Opportunity to be Heard in Case No. GE-14-733.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AD-14-736
EPA Proposed 111d Regulations
Information

Mr. Christmann: I move the Commission adopt the Order Directing Response to Certain Questions regarding the EPA proposed 111d regulations, Case No AD-14-736.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-733
Southam Elevator Co.
License No. 247 - Southam, ND
Suspension

Mr. Christmann: I move the Commission, under North Dakota Century Code section 60-02-10.1, adopt the Order Authorizing Limited Operations, as requested by Southam Elevator Company in Case No. GE-14-733.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-136
Hiland Crude, LLC
Crude Oil Pipeline,
McKenzie, Williams, Mountrail
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility No. 157 and Route Permit No. 169 in Hiland Crude, LLC, Crude Oil Pipeline, McKenzie, Williams, Mountrail, Siting Application, Case No. PU-13-136.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-644
Northern States Power Company
2014-2015 Transmission Facility Cost
Recovery
Rates

Ms. Fedorchak: I move the Commission issue a Notice of Filing and Notice of Opportunity for Hearing in Northern States Power Company, 2014-2015 Transmission Facility Cost Recovery, Rates, Case No. PU-14-644.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-668
Otter Tail Power Company
Fuel Clause Adjustment - CSAPR
Tariff

Ms. Fedorchak: I move the Commission issue a Notice of Filing and Notice of Opportunity for Hearing in Otter Tail Power Company, Fuel Clause Adjustment – CSAPR, Tariff, Case No. PU-14-668.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-690
Otter Tail Power Company
2014 Transmission Facility Cost
Recovery
Rates

Ms. Fedorchak: I move the Commission issue a Notice of Filing and Notice of Opportunity for Hearing in Otter Tail Power Company 2014 Transmission Facility Cost Recovery, Rates, Case No. PU-14-690.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-254
ONEOK Bakken Pipeline, L.L.C.
Targa Lateral Pipeline Project –
McKenzie County
Siting Application

HOLD OVER

Salary Adjustment

Mr. Kalk: I move the Commission grant a salary increase effective October 1, 2014 for Position No.5005 in recognition of successful completion of the core training required for a gas pipeline safety inspector as indicated in the memorandum dated October 3, 2014.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-884
Northern Excavating Co., Inc.
(9-13-13 11:00 a.m.)
Damage Prevention Enforcement

Case No. GS-13-885
Northern Excavating Co., Inc.
(10-1-13 11:40 a.m.)
Damage Prevention Enforcement

Case No. GS-13-886
Northern Excavating Co., Inc.
(10-9-13 17:15 p.m.)
Damage Prevention Enforcement

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

Case No. GS-14-229
Northern Excavating Co., Inc.
(05-06-14 8:57 a.m.)
Damage Prevention Enforcement

Case No. GS-14-230
Northern Excavating Co., Inc.
(04-30-14 1:45 p.m.)
Damage Prevention Enforcement

Case No. PU-14-671
Northern Excavating Co., Inc.
(5-28-14 3:30 pm)
Damage Prevention Enforcement

Case No. PU-14-672
Northern Excavating Co., Inc.-
Outstanding Balance
Damage Prevention Enforcement

Case No. GS-13-884
Northern Excavating Co., Inc.
(9-13-13 11:00 a.m.)
Damage Prevention Enforcement

Mr. Kalk: I move that upon appointments as Special Assistant Attorney General the Commission retain Mitchell D. Armstrong and Brian Schmidt to assist the Commission in processing Public Service Commission, Northern Excavating Co., Inc. (9-13-13 11:00), Damage Prevention Enforcement, Case No. GS-13-884, Public Service Commission, Northern Excavating Co., Inc. (10-1-13 11:40 a.m.), Damage Prevention Enforcement, Case No. GS-13-885, Public Service Commission, Northern Excavating Co., Inc. (10-9-13 17:15 p.m.), Damage Prevention Enforcement, Case No. GS-13-886, Public Service Commission, Northern Excavating Co., Inc. (4-fiber 2nd time), Damage Prevention Enforcement, Case No. PU-14-134, Public Service Commission, Northern Excavating Co., Inc. (05-6-14 8:57 a.m.), Damage Prevention Enforcement, Case No. GS-14-229, Public Service Commission, Northern Excavating Co., Inc. (04-30-14 1:45 p.m.), Damage Prevention Enforcement, Case No. GS-14-230, Public Service Commission, Northern Excavating Co., Inc. (5-28-14 3:30 pm), Damage Prevention Enforcement, Case No. PU-14-671, and Public Service Commission, Northern Excavating Co., Inc. (Outstanding Balance), Damage Prevention Enforcement, Case No. PU-14-672.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Northern Excavating Co., Inc. (9-13-13 11:00 a.m.), Damage Prevention Enforcement, Case No. GS-13-884.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-885
Northern Excavating Co., Inc.
(10-1-13 11:40 a.m.)
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Northern Excavating Co., Inc. (10-1-13 11:40 a.m.), Damage Prevention Enforcement, Case No. GS-13-885.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-886
Northern Excavating Co., Inc.
(10-9-13 17:15 p.m.)
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Northern Excavating Co., Inc. (10-9-13 17:15 p.m.), Damage Prevention Enforcement, Case No. GS-13-886.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-216
Plote Construction ND, LLC
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Plote Construction ND, LLC Damage Prevention Enforcement, Case No. GS-14-216.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-217
Plote Construction ND, LLC
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Plote Construction ND, LLC Damage Prevention Enforcement, Case No. GS-14-217.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-229
Northern Excavating Co., Inc.
(05-06-14 8:57 a.m.)
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Northern Excavating Co., Inc. (05-06-14 8:57 a.m.), Damage Prevention Enforcement, Case No. GS-14-229.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-230
Northern Excavating Co., Inc.
(04-30-14 1:45 p.m.)
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Northern Excavating Co., Inc. (04-30-14 1:45 p.m.), Damage Prevention Enforcement, Case No. GS-14-230.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-242
Diamond Resources, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Diamond Resources, Inc. Damage Prevention Enforcement, Case No. GS-14-242.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-249
Everett Hall
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Everett Hall Damage Prevention Enforcement, Case No. GS-14-249.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-590
ONEOK Rockies Midstream, L.L.C.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, ONEOK Rockies Midstream, L.L.C. Damage Prevention Enforcement, Case No. GS-14-590.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-633
Rock Solid Excavating, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission reassign the appointment of advocacy staff to Victor Schock effective October 1, 2014, in Public Service Commission, Rock Solid Excavating, Inc. Damage Prevention Enforcement, Case No. GS-14-633.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-696
Merryman Excavation, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective September 2, 2014, in Public Service Commission, Merryman Excavation, Inc., Damage Prevention Enforcement, Case No. GS-14-696.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-714
Knife River Corporation
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective September 12, 2014, in Public Service Commission, Knife River Corporation, Damage Prevention Enforcement, Case No. PU-14-714.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-724
Aqua Lawn & Landscape, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective September 23, 2014, in Public Service Commission, Aqua Lawn & Landscape, Inc., Damage Prevention Enforcement, Case No. GS-14-724.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-725
MBC Corp.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective September 23, 2014, in Public Service Commission, MBC Corp., Damage Prevention Enforcement, Case No. GS-14-725

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-726
Camrud-Foss Concrete Construction, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective September 23, 2014, in Public Service Commission, Camrud-Foss Concrete Construction, Inc., Damage Prevention Enforcement, Case No. GS-14-726

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-727
Landwehr Construction, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective September 23, 2014, in Public Service Commission, Landwehr Construction, Inc., Damage Prevention Enforcement, Case No. GS-14-727

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:05 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN