

July 29, 2015

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on July 29, 2015, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of July 8 and 23, 2015, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-637
Rangeland Pipeline, LLC
Crude Oil Pipeline - Williams County
Siting Application

Ms. Fedorchak: I move the Commission execute a contract with Keitu Engineers & Consultants, Inc. for construction inspection services in Rangeland Pipeline, LLC, Crude Oil Pipeline- Williams County, Case No. PU-10-637.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-223
Meadowlark Midstream Company, LLC
8-Inch Crude Oil Pipeline- Williams &
Divide Cntys
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$56,496.37 in Meadowlark Midstream Company, 8-Inch Crude Oil Pipeline – Williams & Divide Counties, Siting Application, Case No. PU-14-223

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-625
Targa Badlands LLC
8-Inch Crude Pipeline Project -
Mountrail County
Siting Application

Ms. Fedorchak: I move the Commission approve Targa Badlands LLC's July 16, 2015, Tree and Shrub Replacement Plan, Targa Badlands LLC, 8-Inch Crude Pipeline Project – Mountrail County, Siting Application, Case No. PU-14-625.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-625
Targa Badlands LLC
8-Inch Crude Pipeline Project -
Mountrail County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$61,347.51 in Targa Badlands LLC, 8-Inch Crude Oil Pipeline Project – Mountrail County, Siting Application, Case No. PU-14-625.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-764
ONEOK Rockies Midstream, L.L.C.
Demicks Lake Gas Processing Plant -
McKenzie Cnty
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$67,309.80 in ONEOK Rockies Midstream, L.L.C., Demicks Lake Gas Processing Plant – McKenzie County, Siting Application, Case No. PU-14-764.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-840
Hiland Crude, LLC
Dore Crude Oil Loop Pipeline -
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$32,993.90 in Hiland Crude, LLC, Dore Crude Oil Loop Pipeline – McKenzie County, Siting Application, Case No. PU-14-840.

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

Case No. PU-15-330
Rangeland Pipeline, LLC / Inergy
Dakota Pipeline,
Name Change
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee application refund in the amount of \$5,000.00 in Rangeland Pipeline, LLC/Inergy Dakota Pipeline, Name Change, Siting Application, Case No. PU-15-330.

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

Case No. AU-15-587
Zachary Paul Schmaltz
Auctioneer
License Application

Ms. Fedorchak: I move the Commission approve the auctioneer license application for Zachary Paul Schmaltz of Harvey, North Dakota.

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

Case No. PU-15-119
Daktel Communications LLC
Designated Eligible Carrier
Application

Ms. Fedorchak: I move the Commission render a bill for payment for \$454.65, Daktel Communications LLC, Designated Eligible Carrier, Application, Case No. PU-15-119.

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

Case No. PU-14-678
Antelope Hills Wind Project, LLC
345 kV Transmission Line - Mercer
County
Siting Application

Ms. Fedorchak: I move the Commission acknowledge the July 24, 2015 Commission staff approval of transmission line structure location changes in Antelope Hills Wind Project, LLC, 345 kV Transmission Line – Mercer County, Siting Application, Case No. PU-14-678.

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

Case No. PU-14-813
Basin Electric Power Cooperative
North Killdeer Loop Phase I 345 kV
Transmission
Siting Application

Withdrawn

Case No. PU-14-829
Basin Electric Power Cooperative
Pioneer Generating Station Phase III
Project
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$41,481.32 in Basin Electric Power Cooperative, Pioneer Generating Station Phase III Project, Siting Application, Case No. PU-14-829.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-852
Basin Electric Power Cooperative
Lonesome Creek Station Phase III
Project
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$21,596.63 in Basin Electric Power Cooperative, Lonesome Creek Station Phase III Project, Siting Application, Case No. PU-14-852.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-136
Montana-Dakota Utilities Co., a
Division of MDU
Oasis Petroleum - Mountrail County
Public Convenience & Necessity

Ms. Fedorchak: 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., Oasis Petroleum – Mountrail County, Public Convenience & Necessity, Case No. PU-15-136.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-198
Montana-Dakota Utilities Co., a
Division of MDU
Dennis Dahlen - Dunn County
Public Convenience & Necessity

Ms. Fedorchak: 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., Dennis Dahlen – Dunn County, Public Convenience & Necessity, Case No. PU-15-198.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-225
Otter Tail Power Company
John Muscha - Wells County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity in Otter Tail Power Company, John Muscha – Wells County, Public Convenience & Necessity, Case No. PU-15-225.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-227
Montana-Dakota Utilities Co., a
Division of MDU
BNSF Railway Company - Williams
County
Public Convenience & Necessity

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.,
BNSF Railway Co.-Williams County, Public Convenience
& Necessity, Case No. PU-15-227.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-228
Montana-Dakota Utilities Co., a
Division of MDU
Crestwood Crude Logistics LLC -
Williams County
Public Convenience & Necessity

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.,
Crestwood Crude Logistics LLC - Williams County,
Public Convenience & Necessity, Case No. PU-15-228.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-313
Otter Tail Power Company
Kevin Klosterman - Richland County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission issue a
Notice of Opportunity for Hearing in Otter Tail Power
Company, Kevin Klosterman – Richland County, Public
Convenience & Necessity, Case No. PU-15-313.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-517
Otter Tail Power Company
Dan Drovda - McHenry County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission issue a
Notice of Opportunity for Hearing in Otter Tail Power
Company, Dan Drovda – McHenry County, Public
Convenience & Necessity, Case No. PU-15-517.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-145
Otter Tail Power Company
Canadian Pacific Railway Company
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission Amend the
Order of Certificate of Public Convenience & Necessity,
in Otter Tail Power Company, Canadian Pacific Railway
Company, Public Convenience & Necessity, Case No.
PU-15-145.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-224
Otter Tail Power Company
Kevin Klosterman - Richland County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission Amend the
Notice of Opportunity for Hearing in Otter Tail Power
Company, Kevin Klosterman – Richland County, Public
Convenience & Necessity, Case No. PU-15-224.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-766
Otter Tail Corporation
230kv Transmission Line Reroute
Richland County
Siting Application

Ms. Fedorchak: Since no trees or shrubs were removed during construction, I move the Commission issue a final siting application fee refund in the amount of \$1,194.79 in Otter Tail Corporation, 230kV Transmission Line Reroute Richland County, Siting Application, Case No. PU-07-766.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-674
Otter Tail Power Company
230 kV Electric Transmission Line –
Sargent Cty
Siting Application

Ms. Fedorchak: Since no trees or shrubs were removed during construction, I move the Commission issue a final siting application fee refund in the amount of \$1,542.85 in Otter Tail Power Company, 230 kV Electric Transmission Line – Sargent Cty, Siting Application, Case No. PU-09-674.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Federal Railroad Safety Program

Ms. Fedorchak: I move the Commission execute the Federal Railroad Safety Program State Participation Agreement for the purpose of implementing a North Dakota Rail Safety Program to participate in inspection and enforcement activities concerning rail safety laws and regulations of the Federal Rail Administration.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-138
BNI Coal, Ltd.
Revision No. 38 for Permit BNCR-9702
Approval

Mr. Christmann: I move the Commission conditionally approve Revision No. 38 to Surface Coal Mining Permit No. BNCR-9702, held by BNI Coal, Ltd., to identify the next five-year coal removal subareas and to update the legal and financial, operation, and reclamation sections for the next five-year permit term.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-139
BNI Coal, Ltd.
Renewal No. 3 for Permit BNCR-9702
Approval

Mr. Christmann: I move the Commission approve Renewal No. 3 to Surface Coal Mining Permit No. BNCR-9702, held by BNI Coal, Ltd., to extend the permit term for another five years until August 2, 2020.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-222
Midcontinent Comm. / Dakota Central
Telecom I
Interconnection Agreement
Application

Mr. Christmann: I move the Commission adopt the Order on Interconnection Agreement in Midcontinent Communications / Dakota Central Telecom I, Interconnection Agreement, Application, Case No. PU-15-222.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-576
MAYPORT FARMERS CO-OP
License No. 862 - Portland (Bean), ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-576 cancelling warehouse license number 862 issued to Mayport Farmers Co-op at Portland (Bean), North Dakota and ordering that business at Portland (Bean) is discontinued effective immediately.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-577
Nebraska Bean, Inc.
Roving Grain Buyer - Clearwater, NE
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-577 cancelling roving grain buyer license number 3195 issued to Nebraska Bean, Inc. of Clearwater, Nebraska effective August 1, 2015.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-579
Farmers Elevator, Incorporated,
Wishek, North Dako
Grain Warehouse
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-579 cancelling warehouse license numbers 72, 967, and 1067 respectively issued to Farmers Elevator Incorporated, Wishek, North Dakota at Wishek, Fredonia, and Linton, North Dakota and ordering that business at Wishek, Fredonia, and Linton is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-580
Larson Grain Company
Grain Warehouse - Fredonia, Linton,
Wishek
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-580 granting the request of Larson Grain Company to operate a 518,000 bushel grain warehouse at Fredonia, a 294,000 bushel grain warehouse at Linton, and a 538,000 bushel grain warehouse at Wishek, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-581
Legumex Walker Sunflower, LLC
Grain Warehouse - Grafton, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-581 granting the request of Legumex Walker Sunflower, LLC to operate a 329,000-bushel grain warehouse at Grafton, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-588
Lone Prairie Grain, Inc.
Grain Warehouse - Drake & Martin,
ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-588 granting the request of Lone Prairie Grain, Inc. to operate a 326,000-bushel grain warehouse at Drake, North Dakota and a 265,000-bushel grain warehouse at Martin, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-512
Steichen Farms East Elevator, Inc.,
dba Steichen F
License No. 1229 - Goodrich, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-512 cancelling warehouse license number 1229 issued to Steichen Farms East Elevator, Inc., dba Steichen Farms East Elevator at Goodrich, North Dakota and ordering that business at Goodrich is discontinued effective August 1, 2015.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-578
Wales Farmers Elevator, Inc.
License No. 60 - Wales, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-578 cancelling warehouse license number 60 issued to Wales Farmers Elevator, Inc. at Wales, North Dakota and ordering that business at Wales is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-593
Gavilon Grain, LLC
Facility-Based Grain Buyer - Wales,
ND
License Application

Mr. Christmann: I move the Commission issue an order in Case No. GE-15-593 granting the request of Gavilon Grain, LLC to operate as a facility-based grain buyer at Wales, North Dakota, effectively immediately.

Mr. Kalk: 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
Siting Application

Mr. Kalk: I move the Commission deem the amendment to applications complete and issue a Notice of Opportunity for Hearing in Basin Electric Power Cooperative, 345 kV Trans. Line - Mercer, Dunn, McKenzie, Williams, Siting Application, Case No. PU-11-696.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-679
Antelope Hills Wind Project, LLC
Wind Energy Conversion Facility -
Mercer County
Siting Application

Mr. Kalk: I move the Commission deem the amendment application complete and issue a Notice of Hearing in Antelope Hills Wind Project, LLC, Wind Energy Conversion Facility - Mercer County, Siting Application, Case No. PU-14-679.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-155
C Company General Contractors
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in Public Service Commission, C Company General Contractors, Damage Prevention Enforcement, Case No. PU-15-155.

Mr. Christmann: 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

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Public Service Commission, Northern Excavating Co., Inc. (9-13-13 11:00 a.m.), 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. (05-06-14 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, and Public Service Commission, Northern Excavating Co., Inc. (5-28-14 3:30 p.m.), Damage Prevention Enforcement, Case No. PU-14-671.

Mr. Christmann: 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

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

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Case No. PU-15-482
Lindahl Wind Project, LLC
Lindahl Wind Farm Project - Williams
County
Siting Application

Ms. Fedorchak: I move the Commission retain Mitchell Armstrong and Brian Schmidt to provide legal services to assist the Commission in processing Lindahl Wind Project, LLC, Lindahl Wind Farm Project in Williams County, Siting Application, Case No. PU-15-482.

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

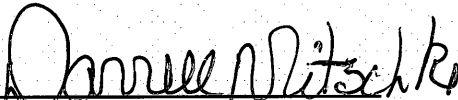
Resignation - AML Seasonal Inspector

Ms. Fedorchak: I move the Commission accept the resignation of Matthew Keller effective August 3, 2015.

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

ATTEST

THE COMMISSION ADJOURNED AT 12:25 P.M.


Executive Secretary


JULIE FEDORCHAK, CHAIRMAN