

May 31, 2017

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on May 31, 2017, 10:00 a.m. Present were Commissioners Christmann, Fedorchak and Kroshus.

Minutes

Mr. Christmann: I move the minutes of May 10, 2017 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification  
Approval

Mr. Christmann: I move the Commission approve blaster certification for the following applicants:

Applicant	Affiliation	Certificate No.
Paul Duben	Freedom Mine	17-05-401
James Olsen	Freedom Mine	17-05-400
Ryan Wickham	Beulah Mine	17-05-399
John Ke Wang	Beulah Mine	17-05-398

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-17-222  
Bethany McLaughlin  
Auctioneer  
License Application

Mr. Christmann: I move the Commission approve the auctioneer license application for Bethany McLaughlin, Dilworth, Minnesota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-690  
Brady Wind, LLC  
Brady Wind Energy Center - Stark  
County  
Siting Application

Mr. Christmann: I move the Commission approve the Tree and Shrub Mitigation Plan filed in Brady Wind, LLC, Brady Wind Energy Center – Stark County, Siting Application, Case No. PU-15-690, and Brady Wind, LLC, 230 kV Transmission Line – Stark County, Siting Application, Case No. PU-15-797.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-797  
Brady Wind, LLC  
230kV Transmission Line –  
Stark County  
Siting Application

Mr. Christmann: I move the Commission approve the Tree and Shrub Mitigation Plan filed in Brady Wind, LLC, Brady Wind Energy Center – Stark County, Siting Application, Case No. PU-15-690, and Brady Wind, LLC, 230 kV Transmission Line – Stark County, Siting Application, Case No. PU-15-797.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-96  
Otter Tail Power Company  
Minn-Kota Ag Products Inc. –  
Richland County  
Public Convenience & Necessity

Mr. Christmann: I move the Commission assess a filing fee of \$175,000 in Otter Tail Power Company, Minn-Kota Ag Products Inc. – Richland County, Public Convenience & Necessity, Case No. PU-17-96.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. PU-17-134  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Jerrud Larson - Burleigh County  
Public Convenience & Necessity

Mr. Christmann: I move the Commission adopt the Order on Certificate of Public Convenience and Necessity in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Jerrud Larson – Burleigh County, Public Convenience & Necessity, Case No. PU-17-134.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. PU-17-149  
Otter Tail Power Company  
Darrick Johnson - Pierce County  
Public Convenience & Necessity

Mr. Christmann: I move the Commission adopt the Order on Certificate of Public Convenience and Necessity in Otter Tail Power Company, Darrick Johnson – Pierce County, Public Convenience & Necessity, Case No. PU-17-149.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. PU-17-120  
Northern States Power Company  
Advance Prudence - 1,550 MW Wind  
Generation  
Application

Mr. Christmann: I move the Commission execute a contract with PA Consulting Group for consulting services in Northern States Power Company, Advance Prudence – 1,550 MW Wind Generation, Application, Case No. PU-17-120.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. AM-17-82  
2017 Wilton Phase 3 AML Project

Mr. Christmann: I move the Commission execute a contract with B & C Concrete Pumping, Inc. in the amount of \$1,247,800 for drilling and pressurized grouting for the 2017 Wilton Phase 3 AML Project.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. AM-17-82  
2017 Wilton Phase 3 AML Project

Mr. Christmann: I move the Commission execute a contract with GEOSERV, INC. in the amount of \$40,800 for material testing and other services for the 2017 Wilton Phase 3 AML Project.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. AM-17-83  
2017 Columbus Phase 16 AML Project

Mr. Christmann: I move the Commission execute a contract with Hanson's Excavating, Inc. in the amount of \$338,105 for construction services at the 2017 Columbus Phase 16 AML Project.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. AM-17-84  
2017-2018 Sinkhole Filling AML Project

Mr. Christmann: I move the Commission execute a contract with Pleasant and Sons Construction in the amount of \$199,999.96 for filling sinkholes caused by abandoned underground coal mines in western North Dakota.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. GE-17-139  
Besco Grain Ltd.  
Roving Grain Buyer –  
Carman, Manitoba, CN  
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-17-139 granting the request of Besco Grain Ltd. of Carman, Manitoba, Canada, to operate as a roving grain buyer in North Dakota.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. GE-17-170  
Midwest Grain Trading  
Roving Grain Buyer - Sheyenne ND  
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-17-170 granting the request of Midwest Grain Trading of Sheyenne, North Dakota to operate as a roving grain buyer in North Dakota.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. GE-17-174  
West Plains, LLC  
Roving Grain Buyer - Omaha, NE  
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-17-174 granting the request of West Plains, LLC of Omaha, Nebraska, to operate as a roving grain buyer in North Dakota, effective June 1, 2017.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. GE-17-180  
Gavilon Grain, LLC  
Facility-Based Grain Buyer –  
Grand Forks, ND  
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-17-180 cancelling facility-based grain buyer license number 2146 issued to Gavilon Grain, LLC. at Grand Forks, North Dakota and ordering that business at Grand Forks is discontinued.

Ms. Fedorchak: I second the motion.  
Roll Call: All voting "Aye."

Case No. GE-17-150  
Viterra USA LLC  
Grain Warehouse –  
Grand Forks, ND  
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-17-150 granting the request of Viterra USA LLC to operate a 3,789,000-bushel grain warehouse at Grand Forks, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-17-224  
Merus, LLC  
Roving Grain Buyer –  
Minneapolis, MN  
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-17-224 granting the request of Merus, LLC of Minneapolis, Minnesota to operate as a roving grain buyer in North Dakota, effective June 1, 2017.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-671  
Antelope Hills Wind Project /  
West Branch Wind Project  
Transfer of Siting Certificates and  
Permit  
Siting Application

Ms. Fedorchak: I move that the Commission adopt the Order issuing First Reissued Certificate of Site Compatibility Number 41, First Reissued Certificate of Corridor Compatibility Number 161 and First Reissued Route Permit Number 173 in Antelope Hills Wind Project / West Branch Wind Project, Transfer of Siting Certificates and Permit, Siting Application, Case No. PU-16-671.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-181  
Oasis Midstream Services LLC  
Wild Basin Gas Plant –  
McKenzie County  
Siting Application

Ms. Fedorchak: I move the Commission deem complete the application for a certificate of site compatibility and issue a Notice of Filing and Public Hearing in Oasis Midstream Services LLC, Wild Basin Gas Plant – McKenzie County, Siting Application, Case No. PU-17-181.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-192  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Thunder Spirit Wind Project  
Siting Application

Ms. Fedorchak: I move the Commission deem the application for amendment complete and issue a Notice of Filing and Notice of Opportunity for Hearing in Thunder Spirit Wind, LLC / Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Thunder Spirit Wind Project, Siting Application, Case No. PU-17-192

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-695  
Targa Badlands LLC  
8-Inch Crude Pipeline Project -  
McKenzie County  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Corridor Certificate Number 198 and Route Permit Number 209 in Targa Badlands LLC, 8-Inch Crude Pipeline Project, McKenzie County, Siting Application, Case No. PU-16-695.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-842  
Dakota Access, LLC  
Dakota Access Pipeline Project  
Siting Application

Ms. Fedorchak: Having reviewed filings by Dakota Access, LLC and construction inspection reports filed by its construction inspector, I move the Commission open an investigation under North Dakota Administrative Code section 69-02-01-08 regarding Dakota Access LLC's compliance with the Commission's orders and North Dakota siting laws and rules, excluding issues related to an October, 2016 unanticipated discovery and associated route adjustment, and issue a Notice of Hearing on Investigation in Dakota Access, LLC, Dakota Access Pipeline Project, Siting Application, Case No. PU-14-842.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-842  
Dakota Access, LLC  
Dakota Access Pipeline Project  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order to Show Cause and Order Dismissing Complaint without Prejudice, and issue a Notice of Hearing on Order to Show Cause in Dakota Access, LLC, Dakota Access Pipeline Project, Siting Application, Case No. PU-14-842.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-571  
Carstensen Contracting, Inc.  
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Carstensen Contracting, Inc., Damage Prevention Enforcement, Case No. PU-17-571.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-146  
Montana-Dakota Utilities Co.,  
a Division of MDU  
2016 Gas Operations  
Annual Report

Mr. Kroshus: I move the Commission close Montana-Dakota Utilities Co, a Division of MDU Resources Group, Inc., 2016 Gas Operations, Annual Report, Case No. PU-17-146.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-185  
Northern States Power Company  
2016 Natural Gas  
Annual Report

Mr. Kroshus: I move the Commission close Northern States Power Company, 2016 Natural Gas, Annual Report, Case No. PU-17-185.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-194  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Gas Transportation - Schedules  
81 and 82  
Tariff and Rates

Mr. Kroshus: I move the Commission assess a filing fee of \$10,000, suspend the tariff and proposed rates and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Gas Transportation – Schedules 81 and 82, Tariff and Rates, Case No. PU-17-194.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-181  
Oasis Midstream Services LLC  
Wild Basin Gas Plant –  
McKenzie County  
Siting Application

Mr. Christmann: I move the Commission retain Mitch Armstrong, Brian Schmidt, and Sarah Kuntz effective May 16, 2017 to provide legal services to assist the Commission in processing Oasis Midstream Services LLC, Wild Basin Gas Plant, McKenzie County, Siting Application, Case No. PU-17-181.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-147  
CenturyLink Communications, LLC  
Damage Prevention Enforcement

Mr. Christmann: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective May 8, 2017, in Public Service Commission, CenturyLink Communications, LLC, Damage Prevention Enforcement, Case No. PU-17-147.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

New Hire - Assistant Director of  
Reclamation – Environmental Sciences  
Administrator I

Mr. Christmann: I move the Commission acknowledge the offer to and acceptance of Zanna Brinkman to fill Position No. 5017, Assistant Director of Reclamation – Environmental Sciences Administrator I, effective June 5, 2017, under the terms specified in the May 30, 2017 written offer of employment.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Acting Executive Secretary Designation

Mr. Christmann: I move that Patrick Fahn be authorized to act as Executive Secretary from June 12 - 16, 2017 in the event of the absence of both Darrell Nitschke, Executive Secretary and Illona Jeffcoat-Sacco, General Counsel.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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Post Probationary Period Salary  
Adjustment

Mr. Christmann: I move the approval of an off probation salary increase effective May 23, 2017 for Position No. 5024, Environmental Engineer II (underfill) based on the satisfactory completion of a twelve-month probationary period, in an amount consistent with the terms defined in the Commission's March 20, 2016 written offer of employment.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:53 A.M.

  
Executive Secretary *acting*

  
RANDY CHRISTMANN, CHAIRMAN