

September 26, 2018

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 26, 2018, 3:03 p.m. Present were Commissioners Christmann, Kroshus and Fedorchak.

Minutes

Mr. Christmann: I move the minutes of September 5 and 17, 2018, be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-18-348

Brett Sitz
Auctioneer
License Application

Mr. Christmann: I move the Commission approve the auctioneer license application for Brett Sitz, Harvey, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-765

Otter Tail Power Company
Kathryn Emde - Richland County
Public Convenience & Necessity

Mr. Christmann: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Kathryn Emde - Richland County, Public Convenience & Necessity, Case No. PU-16-765.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-114

Otter Tail Power Company
Lee Dick - Stutsman County
Public Convenience & Necessity

Mr. Christmann: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Lee Dick - Stutsman County, Public Convenience & Necessity, Case No. PU-18-114.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-328

Otter Tail Power Company
BDR Farms (Brett Johnson) - Richland County
Public Convenience & Necessity

Mr. Christmann: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, BDR Farms (Brett Johnson) - Richland County, Public Convenience & Necessity, Case No. PU-18-328.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-329

Otter Tail Power Company
Transmission Facility Cost Recovery
(2019)
Rates

Mr. Christmann: I move the Commission assess a filing fee of \$10,000 and suspend the tariff filing in Otter Tail Power Company, Transmission Facility Cost Recovery (2019), Rates, Case No. PU 18-329.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-330
Public Service Commission
Summit Utility Services, LLC
Damage Prevention Enforcement

Mr. Christmann: I move the Commission close Public Service Commission, Summit Utility Services, LLC, Damage Prevention Enforcement, Case No. PU-18-330 and Public Service Commission, Summit Utility Services, LLC, Damage Prevention Enforcement, Case No. PU-18-331.

Case No. PU-18-331
Public Service Commission
Summit Utility Services, LLC
Damage Prevention Enforcement

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

Case No. GS-18-335
Public Service Commission
2019 Federal/State Gas Pipeline
Safety
Grants and Contracts

Mr. Christmann: I move the Commission acknowledge the September 10, 2018 electronic submittal of the 2019 Gas Pipeline Safety Program Base Grant Application in the amount of \$569,043 in Public Service Commission, 2019 Federal/State Gas Pipeline Safety, Grants and Contracts, Case No. GS-18-335.

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

Case No. PU-18-345
Dakota Natural Gas, LLC
Natural Gas Service - Drayton, ND
Tariff and Rates

Mr. Christmann: I move the Commission suspend the tariff and rates and reduce the filing fee to \$50,000 in Dakota Natural Gas, LLC, Natural Gas Service – Drayton, ND, Tariff and Rates, Case No. PU-18-345.

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

State Mining and Reclamation Award
2018 Award

Mr. Christmann: I move the Commission present the 2018 North Dakota Award for Excellence in Surface Coal Mining and Reclamation to BNI Coal, Ltd., The Falkirk Mining Company, The Coteau Properties Company, and the Coyote Creek Mining Company, LLC.

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

Case No. PU-18-284
Public Service Commission
USF Use Certification 47 CFR 54.314
(2019)
Compliance

Mr. Christmann: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support in Public Service Commission, USF Use Certification 47 CFR 54.314 (2019), Compliance, Case No. PU-18-284.

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

Case No. RC-18-304
Falkirk Mining Company
Variance, Permit NAFK-9601
Application

Mr. Christmann: I move the Commission approve Falkirk Mining Company's request for a variance to the ten-year revegetation responsibility period for 26.3 acres of reclaimed cropland located in the SE1/4 of Section 30 and the NE1/4 of Section 31, T146N, R81W, McLean County where revegetation was delayed until a sedimentation pond was removed and reclaimed.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-295
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc.
2017 Natural Gas Rate Increase
Application

Mr. Kroshus: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., 2017 Natural Gas Rate Increase, Application, Case No. PU-17-295.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-398
Otter Tail Power Company
2017 Electric Rate Increase
Application

Mr. Kroshus: I move the Commission adopt the Order on Settlement in Otter Tail Power Company, 2017 Electric Rate Increase, Application, Case No. PU-17-398.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-89
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc.
Tax Reform Effects
Rates

Mr. Kroshus: I move the Commission adopt the Order on Settlement in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Tax Reform Effects, Rates, Case No. PU-18-89.

Mr. Christmann: I second the motion.

Ms. Fedorchak: I move the Commission substitute the motion below for the motion currently under consideration in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Tax Reform Effects, Rates, Case No. PU-18-89.

Substitute Motion: I move the Commission adopt the Order on Settlement, approving the Settlement only if revised to reduce revenue to return to customers 100% of the tax-effected 2018 annual Plant EDIT, and calculate customer refunds accordingly, in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Tax Reform Effects, Rates, Case No. PU-18-89.

Mr. Christmann: I second the motion.

Roll Call: Mr. Christmann: "Aye."

Mr. Kroshus: "Aye."

Ms. Fedorchak: "Aye."

The following motion was substituted for the motion on the table

Ms. Fedorchak: I move the Commission adopt the Order on Settlement, approving the Settlement only if revised to reduce revenue to return to customers 100% of the tax-effected 2018 annual Plant EDIT, and calculate customer refunds accordingly, in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Tax Reform Effects, Rates, Case No. PU-18-89.

Mr. Christmann: I second the motion.

Roll Call: Mr. Christmann: "Aye."

Mr. Kroshus: "Aye."

Ms. Fedorchak: "Aye."

Case No. PU-18-217
BakkenLink Pipeline LLC
Certificate of Public Convenience and Necessity
Cancellation / Application

Mr. Kroshus: I move the Commission adopt the Order in BakkenLink Pipeline LLC, Certificate of Public Convenience and Necessity, Cancellation / Application, Case No. PU-18-217.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-97
Cenex Pipeline, LLC
10" Refined Fuels Pipeline Williams,
Mountrail, Ward
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Amended Certificate of Corridor Compatibility and Route Permit in Cenex Pipeline, LLC, 10" Refined Fuels Pipeline Williams, Mountrail, Ward, Siting Application, Case No. PU-17-97.

Mr. Kroshus: I second the motion.

Roll Call: Two voting "Aye."

One "Recused from Vote."

(Mr. Christmann)

Case No. PU-18-336
Langdon Wind, LLC / Langdon
Renewables, LLC
Transfer of Site Certificate
Siting Application

Ms. Fedorchak: I move the Commission deem the application complete and issue a Notice of Opportunity for Hearing in Langdon Wind, LLC / Langdon Renewables, LLC, Transfer of Site Certificate, Siting Application, Case No. PU-18-336

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-311
Public Service Commission
Craig Suhr
Damage Prevention Enforcement

Mr. Christmann: I move the Commission appoint John Schuh and Victor Schock as advocacy effective September 17, 2018, in Public Service Commission, Craig Suhr, Damage Prevention Enforcement, Case No. PU-18-311.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-298
Public Service Commission
Master Construction Co., Inc.
Damage Prevention Enforcement

Mr. Christmann: I move the Commission appoint John Schuh and Victor Schock as advocacy effective September 17, 2018, in Public Service Commission, Master Construction Co., Inc., Damage Prevention Enforcement, Case No. PU-18-298.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-313
Public Service Commission
Northern Improvement Company
Damage Prevention Enforcement

Mr. Christmann: I move the Commission appoint John Schuh and Victor Schock as advocacy effective September 17, 2018, in Public Service Commission, Northern Improvement Company, Damage Prevention Enforcement, Case No. PU-18-313.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Resignation of Environmental Engineer
III - AML

Mr. Christmann: I move the Commission accept the resignation of Jordan Burns, Environmental Engineer III - AML, from position number 5024, effective September 27, 2018.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Grain Warehouse Inspector – Position
Transitions

Mr. Christmann: I move that Patrick Hart transition from position number 5013, Grain Warehouse Inspector (full-time salaried), to position number 5012, Grain Warehouse Inspector (.75 FTE, average of 30 hours/week), effective October 1, 2018.

I further move that Anthony Schwartz transition from position number 5012, Grain Warehouse Inspector (.75 FTE, average of 30 hours/week), to position number 5013, Grain Warehouse Inspector (full-time salaried), effective October 1, 2018, subject to the terms specified in the May 3, 2018 written offer of employment for Anthony Schwartz for position number 5012.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

New Hire – Senior Public Utility Analyst

Mr. Christmann: I move the Commission acknowledge the offer to and acceptance of Adam Renfandt to fill Position No. 29435, Senior Public Utility Analyst, effective October 18, 2018, under the terms specified in the September 18, 2018 written offer of employment.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 4:33 P.M.


Executive Secretary


RANDY CHRISTMANN, CHAIRMAN