

July 23, 2020

The Public Service Commission convened on July 23, 2020, 10:00 a.m. via teleconference under North Dakota Executive Order 2020-16 in response to the COVID-19 crisis in the United States.

Commissioner Kroshus attended in the Commission Hearing Room, State Capitol, Bismarck, North Dakota.

Commissioner Fedorchak authorized Geri Schmaltz to sign on her behalf and Commissioner Christmann authorized Esther Jochim-Peck to sign on his behalf

Minutes

Mr. Kroshus: I move the minutes of July 8, 2020, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-356
Public Service Commission
Crawford's Construction, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission close Public Service Commission, Crawford's Construction, Inc., Damage Prevention Enforcement, Case No. PU-19-356.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-383
Public Service Commission
Agri Industries, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission close Public Service Commission, Agri Industries, Inc., Damage Prevention Enforcement, Case No. PU-19-383.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-66
Otter Tail Power Company
Small Power Production / Cogeneration
Rates

Mr. Kroshus: I move the Commission adopt the Order on Protection of Information in Otter Tail Power Company, Small Power Production / Cogeneration, Rates, Case No. PU-20-66.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-177
Montana-Dakota Utilities Co.
2019 Electric Operations
Annual Report

Mr. Kroshus: I move the Commission close Montana-Dakota Utilities, Co., 2019 Electric Operations, Annual Report, Case No. PU-20-177; Montana-Dakota Utilities, Co., 2019 Gas Operations, Annual Report, Case No. PU-20-178; close Northern States Power Company, 2019 Electric, Annual Report, Case No. PU-20-185; close Northern States Power Company, 2019 Gas, Annual Report, Case No. PU-20-198; and close Otter Tail Power Company, 2019 Electric, Annual Report, Case No. PU-20-218.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-178
Montana-Dakota Utilities Co.
2019 Gas Operations
Annual Report

Case No. PU-20-185
Northern States Power Company
2019 Electric
Annual Report

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Case No. PU-20-198
Northern States Power Company
2019 Gas
Annual Report

Case No. PU-20-218
Otter Tail Power Company
2019 Electric
Annual Report

Case No. PU-20-207
Montana-Dakota Utilities Co.
Ross Eriksmoen - Divide County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Ross Eriksmoen – Divide County, Public Convenience & Necessity, Case No. PU-20-207.

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

Case No. PU-20-211
Otter Tail Power Company
Karl & Kim Krogfoss - Ramsey County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Karl & Kim Krogfoss – Ramsey County, Public Convenience & Necessity, Case No. PU-20-211.

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

Case No. PU-20-217
Otter Tail Power Company
Robert & Nicole Mclvor - Ramsey
County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Robert & Nicole Mclvor – Ramsey County, Public Convenience & Necessity, Case No. PU-20-217.

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

Case No. PU-20-244
Dakota Natural Gas, LLC
Natural Gas Facilities - Traill County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order Granting Protection of Information in Dakota Natural Gas, LLC, Natural Gas Facilities – Traill County, Public Convenience & Necessity, Case No. PU-20-244.

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

Case No. PU-20-245
Dakota Natural Gas, LLC
Gas Transportation - American Crystal
Sugar Co.
Tariff and Rates

Mr. Kroshus: I move the Commission adopt the Order Granting Protection of Information in Dakota Natural Gas, LLC, Gas Transportation – American Crystal Sugar Co., Tariff and Rates, Case No. PU-20-245.

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

Case No. PU-20-250
Montana-Dakota Utilities Co.
Dale Pahlke - Morton County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Dale Pahlke – Morton County, Public Convenience & Necessity, Case No. PU-20-250.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-334
Otter Tail Power Company
Scott Chase - Benson County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Scott Chase – Benson County, Public Convenience & Necessity, Case No. PU-20-334.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-155
Northern States Power Company
Tax Reform Effects - Electric Utility
Rates

Mr. Kroshus: I move the Commission suspend the June 30, 2020 filing for an earnings-sharing compliance refund through its Fuel Cost Rider, in Northern States Power Company, Tax Reform Effects – Electric Utility, Rates, Case No. PU-18-155.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-668
Baldwin Wind, LLC
102 MW Baldwin Wind Energy Center -
Burleigh Cty.
Siting Application

Mr. Kroshus: I move the Commission adopt the Order in Baldwin Wind, LLC, 102 MW Baldwin Wind Energy Center – Burleigh Cty, Siting Application, Case No. PU-09-668.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-3
Qwest Corporation
QPAP Payments 2019
Reports

Mr. Kroshus: I move the Commission adopt the Order Granting Protection of Information in Qwest Corporation, QPAP Payments 2019, Reports, Case No. PU-19-3, and Qwest Corporation, QPAP Payments 2020, Reports, Case No. PU-20-3.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-3
Qwest Corporation
QPAP Payments 2020
Reports

Case No. PU-19-303
Public Service Commission
Hanson's Concrete Masonry &
Landscaping, LLC
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on June 23, 2020, states a *prima facie* case, and serve the Complaint on the Respondent in Public Service Commission, Hanson's Concrete Masonry & Landscaping, LLC, Damage Prevention Enforcement, Case No. PU-19-303.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-341
Public Service Commission
Burlington Electric, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Burlington Electric, Inc., Damage Prevention Enforcement, Case No. PU-19-341.

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

Case No. PU-19-365
Public Service Commission
Heartland Excavating, LLC
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Heartland Excavating, LLC, Damage Prevention Enforcement, Case No. PU-19-365.

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

Case No. PU-20-335
Montana-Dakota Utilities Co.
Firm General Contracted Demand
Service
Tariff

Mr. Kroshus: I move the Commission suspend the tariff, reduce the filing fee to \$10,000, and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Firm General Contracted Demand Service, Tariff, Case No. PU-20-335.

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 Notice of Opportunity for Hearing 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-20-301
FPL Energy Burleigh Cnty Wind /
Wilton Wind I
Transfer - Certificate #88 & Permit #98
Siting Application

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in FPL Energy Burleigh County Wind / Wilton Wind 1, Transfer Certificate #88, Permit #98, Siting Application, Case No. PU-20-301.

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

Case No. PU-10-101
FPL Energy Oliver Wind I, LLC
50.6 MW Oliver Wind Energy Center -
Center, ND
Decommissioning Plan & Cost

Case No. PU-10-106
FPL Energy North Dakota Wind II, LLC
Edgeley II Wind Energy Center –
Lamoure County
Decommissioning Plan & Cost

Case No. PU-10-107
FPL Energy North Dakota Wind, LLC
Edgeley I Wind Energy Center –
Lamoure County
Decommissioning Plan & Cost

Case No. PU-10-110
FPL Energy Oliver Wind II, LLC
48.0 MW Wind Energy Center - Center,
ND
Decommissioning Plan & Cost

Case No. PU-10-102
FPL Energy Burleigh County Wind,
LLC
49.5 MW Wind Energy Center - Wilton,
ND
Decommissioning Plan & Cost

Case No. PU-10-108
Wilton Wind II, LLC
49.5 MW Wind Energy Center - Wilton,
ND
Decommissioning Plan & Cost

Case No. RC-20-25
BNI Coal, Ltd.
Revision 16 to Permit BNCR-9401
Application

Mr. Christmann: I move the Commission approve the parent guarantee filed on July 1, 2020, in FPL Energy Oliver Wind I, LLC, 50.6 MW Oliver Wind Energy Center – Center, ND, Decommissioning Plan & Cost, Case No. PU-10-101; approve the parent guarantee filed on July 1, 2020, in FPL Energy North Dakota Wind II, LLC, Edgeley II Wind Energy Center – Lamoure County, Decommissioning Plan & Cost, in Case No. PU-10-106; approve the parent guarantee filed on July 1, 2020, in FPL Energy North Dakota Wind, LLC, Edgeley I Wind Energy Center – Lamoure County, Case No. PU-10-107; and approve the parent guarantee filed on July 1, 2020, in FPL Energy Oliver Wind II, LLC, 48.0 MW Wind Energy Center - Center, ND, Decommissioning Plan & Cost, Case No. PU-10-110.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

WITHDRAWN

Mr. Christmann: I move the Commission approve Revision No. 16 to Surface Coal Mining Permit No. BNCR-9401 held by BNI Coal, Ltd. to identify the next five year coal removal areas and update the legal and financial section, and operations and reclamation plans for the next five year permit term.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-20-26
BNI Coal, Ltd.
Renewal 5 to Permit BNCR-9401
Application

Mr. Christmann: I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. BNCR-9401 held by BNI Coal, Ltd. for the Center Mine, to extend the permit term on the existing permit area for the next five years, until August 16, 2025.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-20-23
BNI Coal, Ltd.
Revision 41 to Permit BNCR-9702
Application

Mr. Christmann: I move the Commission approve Revision No. 41 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 permit sections for the next five-year permit term.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-20-24
BNI Coal, Ltd.
Renewal 4 to Permit BNCR-9702
Application

Mr. Christmann: I move the Commission approve Renewal No. 4 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, 2025.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-87
Qwest Corporation
PIDs & PAP
Revision

Mr. Christmann: I move the Commission adopt the Order in Qwest Corporation, PIDs & PAP, Revision, Case No. PU-20-087.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-330
Public Service Commission
Wagner Construction, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective July 14, 2020, in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-19-330.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-201
Public Service Commission
SKS Construction LLP
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective July 14, 2020, in Public Service Commission, SKS Construction LLP, Damage Prevention Enforcement, Case No. PU-20-201

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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Case No. PU-20-273
Public Service Commission
Wagner Construction, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective July 14, 2020, in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-20-273.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Salary Increases

Mr. Kroshus: I move the Commission, within appropriated budget authority, grant salary increases effective July 1, 2020 to non-probationary, permanent employees whose documented performance levels met standards as specified in the Accounting report dated July 20, 2020.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:12 A.M.



Executive Secretary



BRIAN KROSHUS, CHAIRMAN