

September 22, 2021

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 22, 2021, 10:01 a.m. Present were Commissioners Christmann and Kroshus. Commissioner Fedorchak participated by telephone and authorized Pamela Thompson to sign on her behalf.

Minutes

Mr. Christmann: I move the minutes of September 1, 2, and 15, 2021 be approved.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-692
Basin Electric Power Cooperative
345/230 kV Transmission Line -
Williams County
Siting Application

Mr. Christmann: Since no trees or shrubs were removed during construction, I move the Commission issue a siting application fee final refund in the amount of \$1,097.42 in Basin Electric Power Cooperative, 345/230 kV Transmission Line – Williams County, Siting Application, Case No. PU-11-692.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

State Mining and Reclamation Award

Mr. Christmann: I move the Commission present the 2021 North Dakota Award for Excellence in Surface Coal Mining and Reclamation to the Coyote Creek Mining Company Coyote Creek Mine.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Mr. Christmann: I move the Commission present the 2021 North Dakota Award for Excellence in Surface Coal Mining and Reclamation to Mr. Dean Moos.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-743
Northern States Power Company
150 MW Border Winds Project - Rolette
County, ND
Public Convenience & Necessity

Mr. Christmann: I move the Commission issue an application fee refund in the amount of \$260,255.76 in Northern States Power Company, 150 MW Border Wind Project – Rolette County, ND, Public Convenience & Necessity, Case No. PU-13-743.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-192
Northern States Power Company
Deferred Accounting - Electric -
COVID-19
Application

Mr. Christmann: I move the Commission approve the request of Northern States Power Company to withdraw its application for deferred accounting of COVID-19 pandemic-related financial impacts, including bad debt, in Northern States Power Company, Deferred Accounting – Electric – COVID-19, Application, Case No. PU-20-192.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-220
Northern States Power Company
Deferred Accounting - Gas - COVID-19
Application

Mr. Christmann: I move the Commission approve the request of Northern States Power Company to withdraw its application for deferred accounting of COVID-19 pandemic-related financial impacts, including bad debt, in Northern States Power Company, Deferred Accounting – Gas – COVID-19, Application, Case No. PU-20-220.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-332
Public Service Commission
Coal Creek Construction, Inc.
Damage Prevention Enforcement

Mr. Christmann: I move the Commission close Public Service Commission, Coal Creek Construction, Inc., Damage Prevention Enforcement, Case No. PU-20-332.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-144
Montana-Dakota Utilities Co.
2020 Electric Operations
Annual Report

Mr. Christmann: I move the Commission close Montana-Dakota Utilities Co., 2020 Electric Operations, Annual Report, Case No. PU-21-144.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-145
Montana-Dakota Utilities Co.
2020 Gas Operations
Annual Report

Mr. Christmann: I move the Commission close Montana-Dakota Utilities Co., 2020 Gas Operations, Annual Report, Case No. PU-21-145.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-159
Northern States Power Company
2020 Gas
Annual Report

Mr. Christmann: I move the Commission close Northern States Power Company, 2020 Gas, Annual Report, Case No. PU-21-159.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-215
Otter Tail Power Company
2020 Electric
Annual Report

Mr. Christmann: I move the Commission close Otter Tail Power Company, 2020 Electric, Annual Report, Case No. PU-21-215.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-336
Northern States Power Company
2020 Power Purchase Agreement
Costs
Compliance

Mr. Christmann: I move the Commission close Northern States Power Company, 2020 Power Purchase Agreement Costs, Compliance, Case No. PU-21-336.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-361
Public Service Commission
Martin Construction, Inc.
Damage Prevention Enforcement

Mr. Christmann: I move the Commission close Public Service Commission, Martin Construction, Inc., Damage Prevention Enforcement, Case No. PU-21-361.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-797
Sequoia Energy US Inc.
150MW Border Winds Energy Project -
Rolette County
Siting Application

Ms. Fedorchak: 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 or fact, I move the Commission consolidate for hearing, under North Dakota Administrative Code section 69-02-04-04, the enumerated cases.

I further move the Commission issue a Notice of Consolidated Hearing in the enumerated cases.

Case No. PU-13-64
Courtenay Wind Farm, LLC
200.5 MW Wind Energy Conversion
Facility-Stutsman
Siting Application

Sequoia Energy US Inc. Case No. PU-08-797
150MW Border Winds Energy Project – Rolette County
Siting Application

Case No. PU-15-174
Northern States Power Company /
Courtenay Wind
Transfer of Site Certificate
Siting Application

Border Winds Energy / Case No. PU-17-362
Northern States Power Co.
Transfer of Site Certificate
Siting Application

Case No. PU-17-362
Border Winds Energy / Northern States
Power Co.
Transfer of Site Certificate
Siting Application

Courtenay Wind Farm, LLC Case No. PU-13-64
200.5 MW Wind Energy Conversion Facility-Stutsman
Siting Application

Northern States Power Company / Case No. PU-15-174
Courtenay Wind
Transfer of Site Certificate
Siting Application

Mr. Kroshus: 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 adopt the Order on Tree and Shrub Mitigation Specifications in Rangeland Pipeline, LLC, Crude Oil Pipeline - Williams County, Siting Application, Case No. PU-10-637.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-662
Allete Clean Energy, Inc.
100 MW Clean Energy #1 Wind Pjc -
Mercer & Morton
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Allete Clean Energy, Inc., 100 MW Clean Energy #1 Wind Pjc – Mercer & Morton, Siting Application, Case No. PU-11-662.

Mr. Kroshus: 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

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Basin Electric Power Cooperative, 345 kV Trans. Line – Mercer, Dunn, McKenzie, Williams, Siting Application, Case No. PU-11-696, and Basin Electric Power Cooperative, North Killdeer Loop Phase I 345 kV Transmission, Siting Application, Case No. PU-14-813.

Mr. Kroshus: 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

Case No. PU-13-848
North Dakota Pipeline Company, LLC
24-Inch Crude Oil Pipeline - Sandpiper
Project
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in North Dakota Pipeline Company, LLC, 24-Inch Crude Oil Pipeline – Sandpiper Project, Siting Application, Case No. PU-13-848.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

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

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Brady Wind, LLC, 230kV Transmission Line – Stark County, Siting Application, Case No. PU-15-797.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-123
Oliver Wind III, LLC
Oliver III Wind Energy Center - Oliver &
Morton
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Oliver Wind III, LLC, Oliver III Wind Energy Center – Oliver & Morton, Siting Application, Case No. PU-16-123.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-189
Hess North Dakota Export Logistics
LLC
12-Inch Crude Oil Pipeline - Williams
County
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Hess North Dakota Export Logistics LLC, 12-Inch Crude Oil Pipeline – Williams County, Siting Application, Case No. PU-16-189.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-48
Arrow Field Services, LLC
10-Inch & 8-Inch NGL Pipeline Project -
McKenzie
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Arrow Field Services, LLC, 10-Inch & 8-Inch NGL Pipeline Project – McKenzie, Siting Application, Case No. PU-17-48.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-284
Foxtail Wind, LLC
Foxtail Wind Energy Center - Dickey
County
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Foxtail Wind, LLC, Foxtail Wind Energy Center – Dickey County, Siting Application, Case No. PU-17-284.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-24
Hess North Dakota Pipelines LLC
Keene Oil Gathering System
Conversion - McKenzie
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Hess North Dakota Pipelines LLC, Keene Oil Gathering System Conversion – McKenzie, Siting Application, Case No. PU-18-24.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-375
Basin Electric Power Cooperative
Wind Energy Facility Lighting Waiver -
69-06-11
Application

Ms. Fedorchak: I move the Commission issue a Notice of Hearing in Basin Electric Power Cooperative, Wind Energy Facility Lighting Waiver – 69-06-11, Application, Case No. PU-21-375.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-28
Ruso Wind Partners, LLC
Ruso Wind Project - Ward and McLean
Counties
Siting Application

Ms. Fedorchak: I move the Commission lift the abeyance and allow proceedings to resume in Ruso Wind Partners, LLC, Ruso Wind Project – McLean and Ward Counties, Siting Application, Case No. PU-19-28 and in Ruso Wind Partners, LLC, 230 kV Transmission Line – McHenry and Ward Cntys, Siting Application, Case No. PU-19-29.

Case No. PU-19-29
Ruso Wind Partners, LLC
230 kV Transmission Line - McHenry
and Ward Cntys
Siting Application

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

State Mining and Reclamation Award

Moved to Consent Agenda - Page 1

Case No. RC-21-81
BNI Coal, Ltd.
Revision 17, Permit BNCR-9401
Application

Mr. Christmann: I move the Commission approve Revision No. 17 to Surface Coal Mining Permit No. BNCR-9401, held by BNI Coal, Ltd. for the Center Mine, to add the coal lease for the 20 acre federal coal tract in the S½NE¼NE¼ of Section 8, T141N, R83W, within the existing permit area, modify the operations plan to include the mining of private and federal coal for the construction of Ash Cell 5, update the worst case reclamation cost estimate and other information in the permit, in BNI Coal, Ltd., Revision No. 17, Permit BNCR-9401, Application, PSC Case No. RC-21-81.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-21-108
Coteau Properties Company
Revision 34, Permit NACT-8203
Application

Mr. Christmann: I move the Commission approve Revision No. 34 to Surface Coal Mining Permit No. NACT-8203, held by the Coteau Properties Company, to delete all 1,155.3680 acres from this permit and transfer all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine, in Coteau Properties Company, Revision 34, Permit NACT-8203, Application, PSC Case No. RC-21-108.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-21-109
Coteau Properties Company
Revision 24, Permit NACT-8401
Application

Mr. Christmann: I move the Commission approve Revision No. 24 to Surface Coal Mining Permit No. NACT-8401, held by the Coteau Properties Company, to delete all 159.488 acres from this permit and transfer all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine, in Coteau Properties Company, Revision 24, Permit NACT-8401, Application, PSC Case No. RC-21-109.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-21-111
Coteau Properties Company
Revision 33, Permit NACT-8601
Application

Mr. Christmann: I move the Commission approve Revision No. 33 to Surface Coal Mining Permit No. NACT-8601, held by the Coteau Properties Company, to delete all 772.4630 acres from this permit and transfer all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine, in Coteau Properties Company, Revision 33, Permit NACT-8601, Application, PSC Case No. RC-21-111.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-384
Public Service Commission
Randall's Excavating, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Randall's Excavating, Inc., Damage Prevention Enforcement, Case No. PU-19-384.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-249
Public Service Commission
Bohlman Trenching Service, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Bohlman Trenching Service, Inc., Damage Prevention Enforcement, Case No. PU-20-249.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-343
Public Service Commission
BEK Consulting LLC
Damage Prevention Enforcement

Case No. PU-21-241
Public Service Commission
BEK Consulting LLC
Damage Prevention Enforcement

Case No. PU-21-305
Public Service Commission
BEK Consulting LLC
Damage Prevention Enforcement

Case No. PU-20-345
Public Service Commission
Tim W. Olson Construction Inc.
Damage Prevention Enforcement

Case No. PU-21-177
Public Service Commission
KPH, Inc.
Damage Prevention Enforcement

Case No. PU-21-83
Otter Tail Power Company
Advance Prudence- Advanced
Metering Infrastructure
Application

Case No. PU-21-335
Montana-Dakota Utilities Co.
Transmission Facility Cost Recovery
Rates

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, BEK Consulting, LLC, Damage Prevention Enforcement, Case No. PU-20-343; in Public Service Commission, BEK Consulting, LLC, Damage Prevention Enforcement, Case No. PU-21-241; and in Public Service Commission, BEK Consulting, LLC, Damage Prevention Enforcement, Case No. PU-21-305.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Tim W. Olson Construction Inc., Damage Prevention Enforcement, Case No. PU-20-345.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, KPH, Inc., Damage Prevention Enforcement, Case No. PU-21-177.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Advance Prudence – Advanced Metering Infrastructure, Application, Case No. PU-21-83.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Transmission Facility Cost Recovery, Rates, Case No. PU-21-335.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-364
Otter Tail Power Co/Northern Plains
Electric Coop
Jamestown, North Dakota
Service Area Agreement

Case No. PU-21-365
Otter Tail Power Company
Jamestown, North Dakota
Public Convenience & Necessity

Case No. PU-21-366
Otter Tail Power Company
Super Large General Service
Agreement
Rates

Case No. PU-21-386
Montana-Dakota Utilities Co.
NG Distribution System - Cass and
Richland
Public Convenience & Necessity

Case No. PU-21-381
Northern States Power Company
2021 Natural Gas Rate Increase
Application

Case No. PU-21-9
Northern States Power Company
Cost of Gas 2021
Tariff Monthly Adjustments

Case No. PU-21-168
LTD Broadband LLC
Designated Eligible Carrier
Application

Mr. Kroshus: I move the Commission adopt the Order on Electric Service Area Agreement and Certificate of Public Convenience and Necessity in Otter Tail Power Co/Northern Plains Electric Coop, Jamestown, North Dakota, Service Area Agreement, Case No. PU-21-364 and Otter Tail Power Company, Jamestown, North Dakota, Public Convenience & Necessity, Case No. PU-21-365.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Super Large General Service Agreement, Rates, Case No. PU-21-366.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission assess a filing fee of \$10,000 and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., NG Distribution System – Cass and Richland, Public Convenience & Necessity, Case No. PU-21-386.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission suspend the tariffs and rates in Northern States Power Company, 2021 Natural Gas Rate Increase, Application, Case No. PU-21-381.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Northern States Power Company, Cost of Gas 2021, Tariff Monthly Adjustments, Case No. PU-21-9.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Christmann: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective August 25, 2021, in LTD Broadband LLC, Designated Eligible Carrier, Application, Case No. PU-21-168.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-319
Public Service Commission
Tand Construction, LLC
Damage Prevention Enforcement

Mr. Christmann: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective August 30, 2021, in Public Service Commission, Tand Construction, LLC, Damage Prevention Enforcement, Case No. PU-21-319.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-381
Northern States Power Company
2021 Natural Gas Rate Increase
Application

Mr. Christmann: I move the Commission appoint Brian Johnson, Adam Renfandt, and Victor Schock as advocacy staff effective September 2, 2021, in Northern States Power Company, 2021 Natural Gas Rate Increase, Application, Case No. PU-21-381.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:37 P.M.



Executive Secretary



JULIE FEDORCHAK, CHAIR