

January 18, 2022

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 18, 2022, 10:01 a.m. Present was Commissioner Fedorchak. Commissioner Christmann participated by telephone and authorized Pamela Thompson to sign on his behalf.

Minutes

Ms. Fedorchak: I move the minutes of December 29, 2021, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Reorganization

Ms. Fedorchak: I move the Commission portfolios be allocated as follows, effective January 4, 2022:

Commissioner Fedorchak

- Business Operations
- Siting
- Railroads
- Consumer Affairs
- MISO and OMS
- Economic Regulation – Gas
- Pipeline Safety and Damage Prevention

Commissioner Christmann

- Coal Mining and Reclamation
- Abandoned Mine Lands
- Wind and Solar Reclamation
- Licensing: Auctioneers & Auction Clerks
- Telecommunications
- SPP
- Economic Regulation – Electric
- Weights and Measures

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-680  
Montana-Dakota Utilities Co., a  
Division of MDU  
Natural Gas Pipeline - Morton County  
Siting Application

Ms. Fedorchak: I move the Commission find that the tree and shrub mitigation may cease and issue a siting application fee final refund in the amount of \$13,801.30 in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Natural Gas Pipeline – Morton County, Siting Application, Case No. PU-11-680.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-416  
Hiland Crude, LLC  
New Town Expansion Project -  
Mountrail County  
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee final refund in the amount of \$11,203.39 in Hiland Crude, LLC, New Town Expansion Project – Mountrail County, Siting Application, Case No. PU-15-416.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-140  
Plains Terminals North Dakota LLC  
24-Inch Crude Oil Pipeline - McKenzie  
County  
Siting Application

Ms. Fedorchak: I move the Commission find that the tree and shrub mitigation may cease and issue a siting application fee final refund in the amount of \$4,929.51 in Plains Terminals North Dakota LLC, 24-Inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-16-140.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-483  
ONEOK Rockies Midstream, L.L.C.  
Cherry Creek Pipeline-McKenzie &  
Williams Counties  
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee interim refund in the amount of \$72,247.55 in ONEOK Rockies Midstream, L.L.C., Cherry Creek Pipeline-McKenzie & Williams Counties, Siting Application, Case No. PU-17-483.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-204  
Dakota Access, LLC  
Dakota Access Pipeline Pump Station -  
Emmons Cnty  
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee interim refund in the amount of \$41,782.32 in Dakota Access, LLC, Dakota Access Pipeline Pump Station – Emmons Cnty, Siting Application, Case No. PU-19-204.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-430  
Bridger Pipeline LLC  
8-inch Crude Oil Pipeline - McKenzie  
County  
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee interim refund in the amount of \$71,886.73 in Bridger Pipeline LLC, 8-Inch Crude Oil Pipeline – McKenzie County Siting Application, Case No. PU-20-430.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-21-442  
Public Service Commission  
Pipeline Safety  
Rulemaking

Case No. RC-22-28  
Public Service Commission  
Surface Coal Mining and Reclamation  
Operations  
Rulemaking

Ms. Fedorchak: I move the Commission propose to adopt and amend the North Dakota Administrative Code as attached, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law, in Public Service Commission, Pipeline Safety, Rulemaking, PSC Case No. GS-21-442 and Surface Coal Mining and Reclamation Operations, Rulemaking, PSC Case No. RC-22-28.

Section 69-09-03-02 Adoption of Regulations

Section 69-05.2-05-06 Permit applications -  
Coordination with requirements under other laws.

Chapter 69-05.2-16 Performance Standards -  
Hydrologic Balance - General Requirements  
(Index/Table of Contents)

Section 69-05.2-16-03 Performance Standards -  
Hydrologic Balance - Compliance with the requirements  
of the state engineer and water resource district.

Section 69-05.2-16-20 Performance Standards -  
Hydrologic Balance - Stream Buffer zones.

Section 69-05.2-20-01 Performance Standards -  
Dams and Embankments Constructed for Impounding  
Coal Processing Waste – General Requirements

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-445  
OEE XXXI LLC  
Dickinson Diesel Facility Wind Project-  
Stark Cty  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in OEE XXXL LLC, Dickinson Diesel Facility Wind Project, Stark County, Siting Application, Case No. PU-21-445.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in Northern States Power Company, 2021 Natural Gas Rate Increase, Case No. PU-21-381.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-21-17  
Public Service Commission  
2021 Exploratory Drilling AML  
Project

Case No. AM-21-19  
Public Service Commission  
2021 Buechler/Velva Phase II AML  
Project

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-21-373  
Montana-Dakota Utilities Co.  
Financial Incentive - Power Purchase  
Agreement  
Rates

Case No. PU-21-380  
Otter Tail Power Company  
Integrated Resource Plan  
Information

Case No. PU-14-105  
Sunflower Wind Project, LLC  
Wind Energy Conversion Facility -  
Stark & Morton  
Siting Application

Ms. Fedorchak: I move the Commission close Case No. AM-21-17 for the 2021 Exploratory Drilling AML Project and Case No. AM-21-19 for the 2021 Buechler/Velva Phase II AML Project in Public Service Commission, 2021 Exploratory Drilling AML, Project, PSC Case No. AM-21-17 and Public Service Commission, 2021 Buechler/Velva Phase II AML, Project, PSC Case No. AM-21-19.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in Otter Tail Power Co/ Northern Plains Electric Coop, Jamestown, North Dakota, Service Area Agreement, Case No. PU-21-364, Otter Tail Power Co/Northern Plains Electric Coop, Jamestown, North Dakota, Public Convenience & Necessity, Case No. PU-21-365, and Otter Tail Power Company, Super Large General Service Agreement, Rates, Case No. PU-21-366.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in Montana-Dakota Utilities Co., Financial Incentive – Power Purchase Agreement, Rates, Case No. PU-21-373.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in Otter Tail Power Company, Integrated Resource Plan, Information, Case No. PU-21-380.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak: I move the Commission adopt the Order on Motion for Extension, Wind Energy Conversion Facility – Stark and Morton, Case No. PU-14-105.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-423  
Public Service Commission  
Wagner Construction, Inc.  
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-20-423.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-338  
Public Service Commission  
JP Hager Enterprises, LLC  
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, JP Hager Enterprises, LLC, Damage Prevention Enforcement, Case No. PU-21-338.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-424  
Dakota Natural Gas, LLC  
Natural Gas Facilities - Portland, ND -  
Traill Cnty  
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order issuing Certificate of Public Convenience and Necessity Number 5965 in Dakota Natural Gas, LLC, Natural Gas Facilities – Portland, ND – Traill Cnty, Public Convenience & Necessity, Case No. PU-21-424.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-431  
Dakota Natural Gas, LLC  
Natural Gas Facilities - Portland, ND -  
Traill Cnty  
Tariff

Ms. Fedorchak: I move the Commission adopt the Order in Dakota Natural Gas, LLC, Natural Gas Facilities – Portland, ND – Traill Cnty, Tariff, Case No. PU-21-431.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-421  
Montana-Dakota Utilities Co.  
Generation Resource Cost Recovery  
Rates

Mr. Christmann: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Generation Resource Cost Recovery, Rates, Case No. PU-21-421.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-22-20  
Qwest Corporation  
PIDs & PAP  
Cancellation / Application

Mr. Christmann: I move the Commission suspend the elimination of the Qwest performance assurance plan and performance indicator definitions in the interconnection agreements and issue a Notice of Opportunity for Hearing in Qwest Corporation, PIDs & PAP, Cancellation/Application, Case No. PU-22-20.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-22-21  
Public Service Commission  
2022 Garrison Phase 5 AML  
Project

Mr. Christmann: I move the Commission initiate Case No. AM-22-21 for the 2022 Garrison Phase 5 AML Project for reclamation of abandoned mine lands in Public Service Commission, 2022 Garrison Phase 5 AML, Project, PSC Case No. AM-22-21.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-22-24  
Public Service Commission  
2022 Exploratory Drilling AML  
Project

Mr. Christmann: I move the Commission initiate Case No. AM-22-24 for the 2022 Exploratory Drilling AML Project for reclamation of abandoned mine lands in Public Service Commission, 2022 Exploratory Drilling AML, Project, PSC Case No. AM-22-24.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-22-25  
Public Service Commission  
2022 Morton County Phase 3 AML  
Project

Mr. Christmann: I move the Commission initiate Case No. AM-22-25 for the 2022 Morton County Phase 3 AML Project for reclamation of abandoned mine lands in Public Service Commission, 2022 Morton County Phase 3 AML, Project, PSC Case No. AM-22-25.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-423  
Public Service Commission  
Wagner Construction, Inc.  
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective January 5, 2022, in Public Service Commission, Chaznline Construction, Inc., Damage Prevention Enforcement, Case No. PU-21-418.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

NOTE: The case identified above was noticed incorrectly on the agenda. The approved motion is for the correct case.

Case No. PU-21-338  
Public Service Commission  
JP Hager Enterprises, LLC  
Damage Prevention Enforcement

NOTE: The case identified above was noticed incorrectly on the agenda. The approved motion is for the correct case.

ATTEST

  
Executive Secretary

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective January 3, 2022, in Public Service Commission, McLaughlin Construction Co., Damage Prevention Enforcement, Case No. PU-21-435.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

THE COMMISSION ADJOURNED AT 11:21 A.M.

  
JULIE FEDORCHAK, CHAIR