

December 21, 2012

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 21, 2012, 10:00 a.m. Present were Commissioners Kalk, Cramer, and Fetch.

Minutes

Mr. Kalk: I move the minutes of December 12, 2012 be approved.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-747  
Bismarck MSA Limited Partnership  
Designated Eligible Carrier  
Cancellation / Application

Mr. Kalk: I move the Commission adopt the Corrected Order on Eligible Telecommunications Carrier Designation permitting Bismarck MSA Limited Partnership to relinquish its designation as an eligible telecommunications carrier, Case No. PU-12-747.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-804  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Transmission Facility Cost Recovery  
Rates

Mr. Kalk: I move the Commission approve Montana-Dakota Utilities Co.'s updated Transmission Facility Cost Recovery rate, Case No. PU-12-804.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-153  
Otter Tail Power Company  
Transmission Facility Cost Recovery  
Rates

Mr. Kalk: I move the Commission issue a filing fee refund to Otter Tail Power Company, in the amount of \$4,158.81, Case No. PU-11-153.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-163  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Advance Determination of Prudence -  
Big Stone Air  
Application

Mr. Kalk: I move the Commission issue an application fee refund to Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. in the amount of \$77,268.79, Case No. PU-11-163.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-165  
Otter Tail Power Company  
Advance Determination of Prudence -  
Big Stone Air  
Application

Mr. Kalk: I move the Commission issue an application fee refund to Otter Tail Power Company in the amount of \$76,902.28, Case No. PU-11-165.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-398  
Great River Energy  
230 kV Transmission Line-  
Grand Forks - Devils Lake  
Siting Application

Mr. Kalk: I move the Commission contract with Wenck Associates, Inc. for construction inspection services concerning Great River Energy's application to construct two reroutes of its 230 kV transmission line totaling 3.2 miles in Nelson and Ramsey Counties, North Dakota, Case No. PU-12-398.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-509  
Basin Electric Power Cooperative  
Pioneer Generation Station –  
Williams County  
Siting Application

Mr. Kalk: I move the Commission contract with Carlson McCain, Inc. for construction inspection services concerning Basin Electric Power Cooperative's application to construct two natural gas simple cycle electric generators totaling 90 megawatts in Williams County, North Dakota, Case No. PU-12-509.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-812  
Montana-Dakota Utilities Co.,  
a Division of MDU  
WBI Energy - Stark County  
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to WBI Energy at a location in Stark County, North Dakota, Case No. PU-12-812.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-814  
Steve Krutzfeldt  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Steve Krutzfeldt, Billings, Montana, effective January 1, 2013.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-12-816  
Mike Murphy  
Auctioneer License  
Revocation

Mr. Kalk: I move the Commission issue an order in Case No. AU-12-816 revoking auctioneer license number 906 issued to Mike Murphy of Cave Junction, Oregon effective December 19, 2012 for failing to maintain an adequate bond filing.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-124  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Electric Rate Increase  
Application

Mr. Kalk: I move the Commission adopt the Order on Settlement concerning Montana-Dakota Utilities Co.'s earnings sharing adjustment for the year ending 2011, Case No. PU-10-124.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-631  
Montana-Dakota Utilities Co.,  
a Division of MDU  
88 MW Simple Cycle Combustion  
Turbine  
Siting Application

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 32 to Montana-Dakota Utilities Co., for the construction of a proposed 88 MW simple cycle combustion turbine generator in Morton County, North Dakota, Case No. PU-11-631.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-750  
v. Pacific Telecom Communications  
Group, Inc.  
Complaint

Mr. Kalk: I move the Commission adopt the Order on Default in Public Service Commission vs Pacific Telecom Communications Group, Inc. complaint, Case No. PU-12-750.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-509  
Basin Electric Power Cooperative  
Pioneer Generation Station –  
Williams County  
Siting Application

Mr. Kalk: I move the Commission deem the application complete and issue a Notice of Filing and Notice of Hearing in Case No. PU-12-509, Basin Electric's application for a certificate of site compatibility to construct two additional 45 MW combustion turbines at its Pioneer Generation Station in Williams County, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-12-786  
Dakota Westmoreland Corporation  
Notice of Violation 1201  
Violation

Mr. Cramer: I move the Commission adopt an order in Case No. RC-12-786, Notice of Violation No. 1201 issued to Dakota Westmoreland Corporation at the Beulah Mine, to affirm the violation, assess a civil penalty, and close the case upon payment of the penalty.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-656  
ONEOK Rockies Midstream, L.L.C.  
Garden Creek II Plant –  
McKenzie County, ND  
Siting Application

Mr. Cramer: I move the Commission adopt the Order adopting the Hearing Officer's December 18, 2012 Recommended Findings of Fact, Conclusions of Law and Order in the application of ONEOK Rockies Midstream, L.L.C. for a certificate of site compatibility for the construction of a 100 million standard cubic feet per day gas processing plant to be located in McKenzie County of North Dakota, Case No. PU-12-656.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-779  
Burke-Divide Electric Coop./  
Sheridan Electric Coop  
Divide County  
Service Area Agreement

Ms. Fetch: I move the Commission adopt the Order Approving Electric Service Area Agreement in the joint application of Burke-Divide Electric Cooperative, Inc. and Sheridan Electric Cooperative, Inc. for approval of a service area agreement to establish and designate service locations to be served by Burke-Divide and Sheridan Electric in Divide County, North Dakota, Case No. PU-12-779.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-813  
Northern States Power Company  
2013 Electric Rate Increase  
Application

Ms. Fetch: I move the Commission suspend Northern States Power Company's rates filed with its Electric Rate Increase application in Case No. PU-12-813.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-683  
Hess Corporation  
14" Crude Oil Pipeline –  
Williams County  
Siting Application

Mr. Kalk: I move the Commission retain Mitchell D. Armstrong to provide legal services to the Commission in Hess Corporation's proposed 14" crude oil pipeline in Williams County, North Dakota, Case No. PU-12-683.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

New Hire  
Environmental Engineer III

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Francisco Echeverria to fill Position No. 5019, Environmental Engineer III, effective January 7, 2013, under the terms specified in the December 11, 2012 written offer of employment.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

New Hire  
Temporary Office Assistant

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Jennifer J. Lein to fill the temporary Office Assistant position, effective January 7, 2013, under the terms specified in the December 19, 2012 written offer of employment.

Ms. Fetch: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-59  
Northern States Power Company  
Advance Determination of Prudence -  
Geronimo Wind  
Application

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of law and Order dismissing Northern States Power Company's application for advance determination of prudence for its Purchase Power Agreement with Geronimo Wind Energy LLC, Case No. PU-12-59.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:14 A.M.

---

Executive Secretary

---

BRIAN P. KALK, CHAIRMAN