

March 12, 2014

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 12, 2014, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of February 26, March 4, 2014 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-110  
Steve N. Simon  
Auctioneer  
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Steve N. Simon, Groton, South Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-111  
Joshua and Dawn Moch  
dba JM Auctioneering  
Auction Clerk  
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Joshua and Dawn Moch dba JM Auctioneering, Napoleon, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-737  
ONEOK Rockies Midstream  
LLC/ONEOK Bakken Pipeline  
Transfer - Certificate #131 &  
Permit #140  
Siting Application

Mr. Kalk: I move the Commission issue an application fee refund to ONEOK Bakken Pipeline, L.L.C., in the amount of \$4,914.86, Case No. PU-13-737.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-738  
ONEOK Rockies Midstream  
LLC/ONEOK Bakken Pipeline  
Transfer - Certificate #122 &  
Permit #131  
Siting Application

Mr. Kalk: I move the Commission issue an application fee refund to ONEOK Bakken Pipeline, L.L.C., in the amount of \$4,945.73, Case No. PU-13-738.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-45  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Oasis Petroleum-5692-43-18-  
Mountrail 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 Oasis Petroleum at a location in Mountrail County, North Dakota, Case No. PU-14-45.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-46  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Oasis Petroleum 5692-21-20-  
Mountrail 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 Oasis Petroleum at a location in Mountrail County, North Dakota, Case No. PU-14-46.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-47  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Oasis Petroleum 5692-44-18-  
Mountrail 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 Oasis Petroleum at a location in Mountrail County, North Dakota, Case No. PU-14-47.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-801  
Blue Stone Construction, Inc.  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Blue Stone Construction, Inc., Case No. GS-13-801.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-712  
Tom's Backhoe Service, Inc.  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission find the March 6, 2014 Complaint filed by the North Dakota Public Service Commission Advocacy Staff states a prima facie case, serve the complaint on the Respondent, Tom's Backhoe Service, Inc., and issue a Notice of Hearing in Case No. GS-13-712.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Consumer Affairs Portfolio

Mr. Kalk: I move the Commission add Consumer Affairs to Commissioner Fedorchak's portfolio.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-13-268  
Coyote Creek Mining Company, LLC  
Permit No. NACC-1301  
Application

Mr. Christmann: I move the Commission conditionally issue Surface Coal Mining Permit No. NACC-1301 to Coyote Creek Mining Company, L.L.C. to permit 84.24 acres to allow the construction of the shop/office, dragline erection site and related support facilities at the proposed Coyote Creek Mine south of Zap in Mercer County.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-734  
Basin Transload/Tesoro High Plains -  
Burke County  
Transfer of Corridor Certificate &  
Route Permit  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order Reissuing Certificate and Permit in the joint application of Basin Transload and Tesoro High Plains to transfer Certificate of Corridor Compatibility No. 141 and Route Permit Number 154 from Basin Transload to Tesoro High Plains, Case No. PU-13-734.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-14  
Otter Tail Power Company  
2014 Renewable Resource Cost  
Recovery Adj. Factor  
Rates

Ms. Fedorchak: I move the Commission approve Otter Tail Power Company's Renewable Resource Cost Recovery Rider, Case No. PU-14-14.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-95  
Hess Corporation / Hess Tioga Gas  
Plant LLC  
Transfer of Route Permit  
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 and fact, I move the Commission consolidate under North Dakota Administrative Code section 69-02-04-04, the joint application of Hess Corporation and Hess Tioga Gas Plant LLC for Transfer of Route Permit, Case No. PU-14-95, and Transfer of Corridor Certificate, Case No. PU-14-96, to Hess Tioga Gas Plant LLC, and issue a Notice of Opportunity for Consolidated Hearing.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-108  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Generation Resource Cost Recovery  
Tariff

Ms. Fedorchak: I move the Commission suspend the tariff and proposed rider filed in Montana-Dakota Utilities Co.'s applications for a Generation Resource Recovery Rider, Tariff, Case No. PU-14-108, and Rates, Case No. PU-14-109.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-109  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Generation Resource Cost Recovery  
Rates

Case No. PU-14-108  
Montana-Dakota Utilities Co.,  
a Division of MDU Re  
Generation Resource Cost Recovery  
Tariff

Case No. PU-14-109  
Montana-Dakota Utilities Co.,  
a Division of MDU Re  
Generation Resource Cost Recovery  
Rates

Case No. GS-13-712  
Public Service Commission  
Tom's Backhoe Service, Inc.  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Mike Diller and Ryan Norrell as advocacy staff in Montana-Dakota Utilities Co.'s applications for a Generation Resource Recovery Rider, Tariff, Case No. PU-14-108, and Rates, Case No. PU-14-109.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission appoint Patrick Fahn as advocacy staff effective July 26, 2013, in the Public Service Commission damage enforcement action concerning Tom's Backhoe Service, Inc., Case No. GS-13-712.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:11 P.M.

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Executive Secretary

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BRIAN P. KALK, CHAIRMAN