

September 2, 2014

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 2, 2014, 1:30 p.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of August 20, 25, 28, 2014 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-707  
Northern States Power Company  
Advance Prudence –  
Odell Wind Project  
Application

Mr. Kalk: I move the Commission rescind the August 20, 2014 motion and issue an application fee refund in the amount of \$80,854.39 in Northern States Power Company, Advance Prudence - Odell Wind Project, Application, Case No. PU-13-707.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-877  
Northern Excavating Co., Inc.  
(7-25-2013)  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission find the August 25, 2014 Complaint filed by the North Dakota Public Service Commission Advocacy Staff states a prima facie case and serve the complaint, Public Service Commission, Northern Excavating Co., Inc. Damage Prevention Enforcement, Case No. PU-13-877, Case No. PU-13-878, Case No. PU 13 879, Case No. PU-13-880, Case No. PU-13-881, Case No. PU-13-882, Case No. PU-13-883.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-878  
Northern Excavating Co., Inc.  
(8-2-2013)  
Damage Prevention Enforcement

Case No. PU-13-879  
Northern Excavating Co., Inc.  
(25 pair copper)  
Damage Prevention Enforcement

Case No. PU-13-880  
Northern Excavating Co., Inc.  
(144 Fiber Optic)  
Damage Prevention Enforcement

Case No. PU-13-881  
Northern Excavating Co., Inc.  
(9-17-2013)  
Damage Prevention Enforcement

Case No. PU-13-882  
Northern Excavating Co., Inc.  
(9-30-2013)  
Damage Prevention Enforcement

Case No. PU-13-883  
Northern Excavating Co., Inc.  
(75 pair 2nd time)  
Damage Prevention Enforcement

Motion Continued

Case No. PU-13-84  
Otter Tail Power Company  
Environmental Cost Recovery  
Rates

Mr. Kalk: I move the Commission rescind its August 20, 2014 motion and issue an application fee refund in the amount of \$8,427.72 in Otter Tail Power Company, Environmental Cost Recovery, Rates, Case No. PU-13-84.

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

Case No. PU-13-794  
FPL Energy North Dakota Wind, LLC  
Wind Turbine Decommissioning  
Investigation

Mr. Kalk: I move the Commission adopt the Order On Financial Assurance in FPL Energy North Dakota Wind, LLC, Wind Turbine Decommissioning, Investigation, Case No. PU-13-794.

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

Case No. PU-13-795  
FPL Energy North Dakota Wind II, LLC  
Wind Turbine Decommissioning  
Investigation

Mr. Kalk: I move the Commission adopt the Order On Financial Assurance in FPL Energy North Dakota Wind II, LLC, Wind Turbine Decommissioning, Investigation, Case No. PU-13-795.

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

Case No. RC-14-50  
Falkirk Mining Company  
Revision 33 to Permit No. NAFK-8405  
Approval

Mr. Christmann: I move the Commission conditionally approve Revision No. 33 to Surface Coal Mining Permit No. NAFK-8405, held by the Falkirk Mining Company, to change the post-mining land use on 238 acres from agricultural and other uses to recreation use and to update other information and mining and reclamation plans in the permit.

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

Case No. PU-13-877  
Northern Excavating Co., Inc.  
(7-25-2013)  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission retain Mitchell D. Armstrong and Brian Schmidt to provide legal services, effective August 22, 2014, to assist the Commission in the referenced seven Public Service Commission's damage enforcement actions concerning Northern Excavating Co., Inc., Case No. PU-13-877, Case No. PU-13-878, Case No. PU-13-879, Case No. PU-13-880, Case No. PU-13-881, Case No. PU-13-882, and Case No. PU-13-883.

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

Case No. PU-13-878  
Northern Excavating Co., Inc.  
(8-2-2013)  
Damage Prevention Enforcement

Case No. PU-13-879  
Northern Excavating Co., Inc.  
(25 pair copper)  
Damage Prevention Enforcement

Motion Continued

Case No. PU-13-880  
Northern Excavating Co., Inc.  
(144 Fiber Optic)  
Damage Prevention Enforcement

Case No. PU-13-881  
Northern Excavating Co., Inc.  
(9-17-2013)  
Damage Prevention Enforcement

Case No. PU-13-882  
Northern Excavating Co., Inc.  
(9-30-2013)  
Damage Prevention Enforcement

Case No. PU-13-883  
Northern Excavating Co., Inc.  
(75 pair 2nd time)  
Damage Prevention Enforcement

Resignation - Gas Pipeline Safety  
Inspector

Mr. Kalk: I move the Commission accept, with regret, the resignation of Clint Thomas effective September 30, 2014.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Post Probationary Period Salary  
Adjustment

Mr. Kalk: I move the approval of a salary increase effective August 18, 2014 for Position No. 408 4993, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth by the Commission's January 27, 2014 offer of employment and the increases identified and verified for probationary employees stated in the Accounting Manager's SFY 15 Salary Work Session Written Summary Memorandum dated July 9, 2014.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Employment Extension - Temporary  
Public Utility Specialist

Mr. Kalk: I move the Commission extend the employment of Bruce Klootwyk, Jr., Position No. 27470, Public Utility Specialist – Temporary, through September 30, 2014.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 2:37 P.M.

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Executive Secretary

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BRIAN P. KALK, CHAIRMAN