

September 17, 2014

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on September 17, 2014, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of September 2, 2014 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-691
Kaleb Andrew Westad
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Kaleb Andrew Westad, Maddock, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-655
Montana-Dakota Utilities Co.,
a Division of MDU
Petro Hunt LLC - Burke County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Petro Hunt LLC - Burke County, Public Convenience & Necessity, Case No. PU-14-655.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-693
Otter Tail Power Company
Lawrence Malpert - Sargent County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Lawrence Malpert – Sargent County, Public Convenience & Necessity, Case No. PU-14-693.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-698
Montana-Dakota Utilities Co.,
a Division of MDU
Schumacher Farms - Logan County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Schumacher Farms - Logan County, Public Convenience & Necessity, Case No. PU-14-698.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-701
Montana-Dakota Utilities Co.,
a Division of MDU
Mark Draeb - Morton County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Mark Draeb - Morton County, Public Convenience & Necessity, Case No. PU-14-701.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-626
Northern States Power Company
Natural Gas Interruptible Service
Tariff

Mr. Kalk: I move the Commission issue a Notice of Filing and Notice of Opportunity for Hearing in Northern States Power Company, Natural Gas Interruptible Service, Tariff, Case No. PU-14-626.

Mr. Christmann: 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 Counties
Siting Application

Mr. Kalk: I move the Commission adopt the Supplemental Order issuing First Amended Corridor Certificate No. 152 and First Amended Route Permit No. 164 in Basin Electric Power Cooperative, 345 kV Transmission Line, Mercer, Dunn, McKenzie, Williams, Siting Application, Case No. PU-11-696.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-678
Antelope Hills Wind Project, LLC
345 kV Transmission Line - Mercer
County
Siting Application

Mr. Kalk: I move the Commission deem the applications complete conditioned upon the filing of final transmission line structure locations at least ten days prior to hearing and issue a Notice of Filings and Notice of Hearings in Antelope Hills Wind Project, LLC, 345 kV Transmission Line – Mercer County, Siting Application, Case No. PU-14-678, and Antelope Hills Wind Project, LLC, Wind Energy Conversion Facility – Mercer County, Siting Application, Case No. PU-14-679.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-679
Antelope Hills Wind Project, LLC
Wind Energy Conversion Facility -
Mercer County
Siting Application

Case No. PU-14-622
USF Use Certification 47 CFR 54.314
(2015)
Compliance

Mr. Kalk: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support in Public Service Commission, USF Use Certification 47 CFR 54.314 (2015), Compliance, Case No. PU-14-622.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

State Reclamation Award
2014 Award

Mr. Christmann: I move the Commission present the 2014 North Dakota Award for Excellence in Surface Coal Mining and Reclamation to Mr. Jim Deutsch.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

State Reclamation Award
2014 Award

Mr. Christmann: I move the Commission present the 2014 North Dakota Award for Excellence in Surface Coal Mining and Reclamation to the Falkirk Mining Company.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-615
Trinidad Benham Corp.
Facility-Based Grain Buyer -
Cummings, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-14-615 granting the request of Trinidad Benham Corp. of Denver, Colorado, to operate as a facility-based grain buyer at Cummings, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-708
Dakota Spirit AgEnergy, LLC
Grain Warehouse - Wimbledon, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-14-708 granting the request of Dakota Spirit AgEnergy, LLC to operate a 530,000-bushel grain warehouse at Wimbledon, North Dakota, effective October 1, 2014.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-14-710
Mayport Farmers Co-op
License No. 863 - Portland (Rural), ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-14-710 cancelling warehouse license number 863 issued to Mayport Farmers Co-op at Portland (Rural), North Dakota and ordering that business at Portland (Rural) under license number 863 is discontinued effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-871
Montana-Dakota Utilities Co.,
a Division of MDU
Menard Inc. - Burleigh County, ND
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Public Convenience and Necessity No. 5845 in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Menard Inc., - Burleigh County, ND, Public Convenience & Necessity, Case No. PU-13-871.

Mr. Christmann: I second the motion.

Roll Call: Kalk "Nay."

Christmann "Aye."

Fedorchak "Aye."

Case No. PU-13-901
BakkenLink Pipeline, LLC
Crude Oil Pipeline –
Williams to Billings Counties
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order granting a Certificate of Public Convenience and Necessity in BakkenLink Pipeline LLC, Crude Oil Pipeline – Williams to Billings Counties, Public Convenience and Necessity, Case No. PU-13-901.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-625
Targa Badlands LLC
8-Inch Crude Pipeline Project -
Mountrail County
Siting Application

Ms. Fedorchak: I move the Commission deem complete the applications of Targa Badlands LLC for a waiver of procedures and time schedules, corridor certificate, and a route permit. I further move the Commission issue a Notice of Filings and Notice of Hearing in Targa Badlands LLC, 8-inch Crude Oil Pipeline Project – Mountrail County, Siting Application, Case No.

PU-14-625.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-689
Caliber Midstream Partners, L.P.
6" NGL Pipeline Project –
McKenzie County
Siting Application

Mr. Kalk: I move the Commission retain Zachary Pelham to provide legal services to assist the Commission in processing Caliber Midstream Partners, L.P., 6" NGL Pipeline Project, McKenzie County, Siting Application, Case No. PU-14-689.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-695
Harvey Sand & Gravel, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective August 21, 2014, in Public Service Commission, Harvey Sand & Gravel, Inc., Damage Prevention Enforcement, Case No. PU-14-695.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-702
Envision Land & Development, LLC
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective August 22, 2014, in Public Service Commission, Envision Land & Development, LLC, Damage Prevention Enforcement, Case No. PU-14-702.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-703
T & A Turf and Irrigation LLC
Damage Prevention Enforcement

Mr. Kalk: I move the Commission appoint Victor Schock as advocacy staff effective August 22, 2014, in Public Service Commission, T & A Turf and Irrigation LLC, Damage Prevention Enforcement, Case No. PU-14-703.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Outside Legal Assistance

Mr. Kalk: I move the Commission retain Paul M. Seby of Holland & Hart LLP, effective September 2, 2014, to provide legal services to assist the Commission regarding greenhouse gas issues, including comments on the Environmental Protection Agency Clean Air Act Section 111(d) Proposed Rule.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye".

ATTEST

THE COMMISSION ADJOURNED AT 12:25 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN