

December 17, 2014

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

Minutes

Mr. Kalk: I move the minutes of December 3, 2014 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-64
Courtenay Wind Farm, LLC
200.5 MW Wind Energy Conversion
Facility-Stutsman
Siting Application

Mr. Kalk: I move the Commission acknowledge the December 1, 2014 staff approval of a Met tower relocation, Courtenay Wind Farm, LLC, 200.5 MW Wind Energy Center – Stutsman County, Siting Application, Case No. PU-13-64.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-798
Public Service Commission
Sullivan Construction Inc. -
Outstanding Balance
Damage Prevention Enforcement

Mr. Kalk: I move the Commission close the proceeding in Public Service Commission, Sullivan Construction Inc. – Outstanding Balance, Damage Prevention Enforcement, Case No. PU-14-798.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-07-671
Basin Electric Power Coop Inc.
230 kV Transmission Line /
Williams and Mountrail Counties
Siting Application

Mr. Kalk: I move the Commission acknowledge the December 8, 2014 staff approval of transmission line structure relocations, Basin Electric Power Cooperative, Inc, 230 kV Transmission Line/Williams and Mountrail Co, Siting Application, Case No. PU-07-671.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-242
Diamond Resources, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission close Public Service Commission, Diamond Resources, Inc., Damage Prevention Enforcement, Case No. GS-14-242

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-801
Merryman Excavation, Inc. -
Outstanding Balance
Damage Prevention Enforcement

Mr. Kalk: I move the Commission close Public Service Commission, Merryman Excavation, Inc. – Outstanding Balance, Damage Prevention Enforcement, Case No. PU-14-801.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-14-835
Allen Jon Henslin
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Allen Jon Henslin, Bird Island, Minnesota, effective January 1, 2015.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-40
Plains Pipeline, L.P.
Nelson to Ross Pipeline - Mountrail
County
Siting Application

Mr. Kalk: I move the Commission approve the November 24, 2014 Tree/Shrub Replacement Plan in Plains Pipeline, L.P., Nelson to Ross Pipeline – Mountrail County, Siting Application, Case No. PU-12-40.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-755
Otter Tail Power Company
Canadian Pacific Railway Company
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity in Otter Tail Power Company, Canadian Pacific Railway Company, Public Convenience & Necessity, Case No. PU-14-755.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Commission Reorganization

Mr. Kalk: I move that Commissioner Fedorchak serve as Chairman of the Public Service Commission for the next two years, effective January 1, 2015.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Commission Reorganization

Mr. Kalk: I move that Commission portfolios be allocated as follows, effective January 1, 2015:

Commissioner Fedorchak – Business Operations, Pipeline Siting, Railroads, and Consumer Affairs.

Commissioner Christmann – Coal Mining, Reclamation and Abandoned Mine Lands, Licensing (Grain and Auctioneers), and Weights and Measures.

Commissioner Kalk – Gas and Electric Distribution, Electric Generation & Transmission, Telecommunications, and Pipeline Safety.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

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

Mr. Kalk: I move the Commission issue a Notice of Rescheduled Consolidated Hearing in Public Service Commission, Northern Excavating Co., Inc. (7-25-2013), Damage Prevention Enforcement, Case No. PU-13-877, Public Service Commission, Northern Excavating Co., Inc. (8-2-2013), Damage Prevention Enforcement, Case No. PU-13-878, Public Service Commission, Northern Excavating Co., Inc. (25 pair copper), Damage Prevention Enforcement, Case No. PU-13-879, Public Service Commission, Northern Excavating Co., Inc. (144 Fiber Optic), Damage Prevention Enforcement, Case No. PU-13-880, Public Service Commission, Northern Excavating Co., Inc. (9-17-2013), Damage Prevention Enforcement, Case No. PU-13-881, Public Service Commission, Northern Excavating Co., Inc. (9-30-2013), Damage Prevention Enforcement, Case No. PU-13-882, and Public Service Commission, Northern Excavating Co., Inc. (75 pair 2nd time), Damage Prevention Enforcement, Case No. PU-13-883.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-13-886
Northern Excavating Co., Inc.
(10-9-13 17:15 p.m.)
Damage Prevention Enforcement

Case No. PU-14-134
Northern Excavating Co., Inc.
(4-fiber 2nd time)
Damage Prevention Enforcement

Case No. GS-14-229
Northern Excavating Co., Inc.
(05-06-14 8:57 a.m.)
Damage Prevention Enforcement

Case No. PU-14-671
Northern Excavating Co., Inc.
(5-28-14 3:30 pm)
Damage Prevention Enforcement

Case No. GS-14-726
Camrud-Foss Concrete
Construction, Inc.
Damage Prevention Enforcement

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

Mr. Kalk: 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 for hearing under North Dakota Administrative Code section 69-02-04-04, and issue a Notice of Consolidated Hearing in Public Service Commission, Northern Excavating Co., Inc. (10-9-13 17:15 p.m.), Damage Prevention Enforcement, Case No. GS-13-886, Public Service Commission, Northern Excavating Co., Inc. (10-9-13 17:15 p.m.), Damage Prevention Enforcement, Case No. PU-14-134, Public Service Commission, Northern Excavating Co., Inc. (05-06-14 8:57 a.m.), Damage Prevention Enforcement, Case No. GS-14-229, and Public Service Commission, Northern Excavating Co., Inc. (5-28-14 3:30 pm), Damage Prevention Enforcement, Case No. PU-14-671.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Camrud-Foss Concrete Construction, Inc., Case No. GS-14-726.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility Number 41 in 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. GS-13-884
Northern Excavating Co., Inc.
(9-13-13 11:00 a.m.)
Damage Prevention Enforcement

Case No. GS-13-885
Northern Excavating Co., Inc.
(10-1-13 11:40 a.m.)
Damage Prevention Enforcement

Case No. GS-14-230
Northern Excavating Co., Inc.
(04-30-14 1:45 p.m.)
Damage Prevention Enforcement

Case No. GS-14-217
Plote Construction ND, LLC
Damage Prevention Enforcement

Case No. AM-13-96
Maintenance
Project

Case No. PU-14-644
Northern States Power Company
2014-2015 Transmission Facility Cost
Recovery
Rates

Case No. PU-14-690
Otter Tail Power Company
2014 Transmission Facility Cost
Recovery
Rates

Mr. Kalk: 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 for hearing under North Dakota Administrative Code section 69-02-04-04, and issue a Notice of Consolidated Hearing in Public Service Commission, Northern Excavating Co., Inc. (9-13-13 11:00 a.m.), Damage Prevention Enforcement, Case No. GS-13-884, Public Service Commission, Northern Excavating Co., Inc. (10-1-13 11:40 a.m.), Damage Prevention Enforcement, Case No. GS-13-885, and Public Service Commission, Northern Excavating Co., Inc. (04-30-14 1:45 p.m.), Damage Prevention Enforcement, Case No. GS-14-230.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning Plote Construction ND, LLC, Case No. GS-14-217.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Mr. Christmann: I move the Commission close out Contract No. 679-13 with Pleasant & Sons Construction, Inc. for completion of work that involved sinkhole filling and other maintenance work at abandoned coal mines in western North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak: I move the Commission approve a billing surcharge of 0.2505 cents per kWh in Northern States Power Company, 2014-2015 Transmission Facility Cost Recovery, Rates, Case No. PU-14-644.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak: I move the Commission approve Otter Tail Power Company, 2014 Transmission Facility Cost Recovery, Rates, Case No. PU-14-690.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-734
Montana-Dakota Utilities Co.,
a Division of MDU
2014 Transmission Facility Cost
Recovery
Rates

Ms. Fedorchak: I move the Commission approve Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., 2014 Transmission Facility Cost Recovery, Rates, Case No. PU-14-734.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-764
ONEOK Rockies Midstream, L.L.C.
Demicks Lake Gas Processing Plant -
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission deem complete the application of ONEOK Rockies Midstream, L.L.C. for a site certificate and issue a Notice of Filing and Notice of Hearing in ONEOK Rockies Midstream, L.L.C., Demicks Lake Gas Processing Plant – McKenzie County, Siting Application, Case No. PU-14-764.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-872
Basin Transload, LLC /
Tesoro High Plains
Transfer of Corridor Certificate &
Route Permit
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order Reissuing Certificate and Permit in Basin Transload, LLC / Tesoro High Plains, Transfer of Corridor Certificate & Route Permit, Case No. PU-13-872.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-810
Northern States Power Company
Advance Prudence - 187 MW Solar
Energy Portfolio
Application

Mr. Kalk: I move the Commission appoint Victor Schock and Mike Diller as advocacy staff in Northern States Power Company, Advance Prudence - 187 MW Solar Energy Portfolio, Application, Case No. PU-14-810.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-829
Basin Electric Power Cooperative
Pioneer Generating Station Phase III
Project
Siting Application

Mr. Kalk: I move the Commission retain Mitchell D. Armstrong and Brian Schmidt to provide legal services to assist the Commission in processing Basin Electric Power Cooperative, Pioneer Generating Station Phase III Project, Siting Application, Case No. PU-14-829.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-769
Meadowlark Midstream Co. /
Epping Transmission Co.
Little Muddy Creek Pipeline & Epping
Station Project
Siting Application

Mr. Kalk: I move that the Commission retain Zachary Pelham to provide legal services to assist the Commission in processing Meadowlark Midstream Company / Epping Transmission Company, Little Muddy Creek Pipeline & Epping Station Project, Siting Application, Case No. PU-14-769.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-823
Meadowlark Midstream Company, LLC
10-inch Crude Oil Pipeline –
Divide to Burke County
Siting Application

Mr. Kalk: I move that the Commission retain Zachary Pelham to provide legal services to assist the Commission in processing Meadowlark Midstream Company, LLC, 10-inch Crude Oil Pipeline, Divide to Burke County, Siting Application, Case No. PU-14-823.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

New Hire - Temporary Attorney

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Casey Furey to fill the temporary attorney position, effective January 5, 2015, under the terms specified in the December 12, 2014 written offer of employment.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Kalk: I move the Commission grant a salary increase effective January 1, 2015 for Position No. 5005.

Mr. Christmann: 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 December 17, 2014 for Position No. 408 27148, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth by the Commission's June 2, 2014 offer of employment, plus an increase that non-probationary employees were eligible to receive July 1, 2014 as budgeted for and as provided by House Bill 1015 of the sixty-third Legislative Assembly.

Mr. Christmann: 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 December 2, 2014 for Position No. 408 5007, upon the satisfactory completion of a six month probationary period, in an amount consistent with the terms set forth by the Commission's May 9, 2014 offer of employment, plus an increase that non-probationary employees were eligible to receive July 1, 2014 as budgeted for and as provided by House Bill 1015 of the sixty-third Legislative Assembly.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

New Hire – Attorney

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Mr. John M. Schuh to fill Position No. 408-5029, Attorney I, effective January 20, 2015, under the terms specified in the December 16, 2014 written offer of employment.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:06 P.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN