

January 5, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on January 5, 2016, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of December 16, 21, 2015 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-349
Enbridge Pipelines (North Dakota) LLC
Crude Oil Pump Stations - Mountrail,
McHenry, Ramsey, Grand Forks
Counties
Siting Application

Ms. Fedorchak: I move the Commission find that the tree and shrub mitigation is satisfactory and issue a siting application fee final refund in the amount of \$29.42 in Enbridge Pipelines (North Dakota) LLC, Crude Oil Pump Stations-Mountrail, McHenry, Ramsey, Grand Forks Counties, Siting Application, Case No. PU-06-349.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-554
Hiland Operating, LLC
6-Inch Natural Gas Liquids Pipeline
Siting Application

Ms. Fedorchak: Since no trees or shrubs were removed during construction, I move the Commission issue a siting application fee final refund in the amount of \$2,765.23 in Hiland Operating, LLC, 6-Inch Natural Gas Liquids Pipeline, Siting Application, Case No. PU-15-554.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-555
Hiland Operating, LLC
8-Inch Nat. Gas Main & Lateral
Pipeline
Siting Application

Ms. Fedorchak: Since no trees or shrubs were removed during construction, I move the Commission issue a siting application fee final refund in the amount of \$8,268.85 in Hiland Operating, LLC, 8-Inch Nat. Gas Main & Lateral Pipeline, Siting Application, Case No. PU-10-555.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-15-187
Gas Pipeline Safety
Rulemaking

Case No. RC-15-737
Reclamation
Rulemaking

Ms. Fedorchak: I move the Commission propose the attached revisions to the North Dakota Administrative Code, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law, in Public Service Commission, Gas Pipeline Safety, Rulemaking, Case No. GS-15-187, and Public Service Commission, Reclamation, Rulemaking, Case No. RC-15-737. Chapter 69-09-03, Pipeline Safety, Section 69-09-03-02, Adoption of Regulations Article 69-05.2, Surface Coal Mining and Reclamation Operations

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-102
Whiting Oil and Gas Corporation
Crude Oil Pipeline –
Billings and Stark Counties
Siting Application

Ms. Fedorchak: Since no trees or shrubs were removed during construction, I move the Commission issue a siting application fee final refund in the amount of \$4,149.39 in Whiting Oil and Gas Corporation, Crude Oil Pipeline – Billings and Stark Counties, Siting Application, Case No. PU-11-102.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-725
ONEOK Bakken Pipeline, L.L.C.
Spring Creek Pump Station Project -
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission rescind the Notice of Filings and Notice of Opportunity for Hearing issued on December 21, 2015 for the captioned case.

I further move the Commission issue a Notice of Filings and Notice of Opportunity for Hearing in ONEOK Bakken Pipeline, L.L.C., Spring Creek Station Project – McKenzie County, Siting Application, Case No. PU-15-725.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-15-800
Darwin Jay Stevens
Auctioneer
License Application

Ms. Fedorchak: I move the Commission approve the auctioneer license application for Darwin Jay Stevens of Williston, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-205
FPL Energy Burleigh County Wind,
LLC
230kV Transmission Line –
Burleigh County
Siting Application

Ms. Fedorchak: I move the Commission find that the tree and shrub mitigation is satisfactory and issue a siting application fee final refund in the amount of \$46.50 in FPL Energy Burleigh County Wind, LLC, 230kV Transmission Line – Burleigh County, Siting Application, Case No. PU-05-205.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-840
Montana-Dakota Utilities /
Otter Tail Power Co.
345kV Transmission Line –
Dickey County
Siting Application

Ms. Fedorchak: I move the Commission execute a contract with Ulteig Engineers, Inc. for construction inspection services in Montana-Dakota Utilities Co. / Otter Tail Power Company, 345 kV Transmission Line – Dickey County, Siting Application, Case No. PU-13-840.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-121
Allete, Inc.
250kV DC Trans. Line Reroute –
Cass County
Siting Application

Ms. Fedorchak: I move the Commission approve the Tree and Shrub Mitigation Plan in ALLETE, Inc., 250 kV DC Trans Line Reroute – Cass County, Siting Application, Case No. PU-14-121. Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-813
Basin Electric Power Cooperative
North Killdeer Loop Phase I 345 kV
Transmission
Siting Application

Ms. Fedorchak: I move the Commission acknowledge staff approval issued December 17, 2015 of transmission line structure relocation requests filed December 3, 2015 in Basin Electric Power Cooperative, North Killdeer Loop Phase I 345 kV Transmission, Siting Application, Case No. PU-14-813.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-721
Montana-Dakota Utilities Co.,
a Division of MDU
BNSF Railway - Morton County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order on Certificate of Public Convenience and Necessity in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., BSNF Railway – Morton County, Public Convenience & Necessity, Case No. PU-15-721.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-785
Cable One, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Cable One, Inc., Damage Prevention Enforcement, Case No. PU-15-785

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-689
Montana-Dakota Utilities Co.,
a Division of MDU Re
Canadian Pacific Railroad –
Ward County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order on Certificate of Public Convenience and Necessity in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Canadian Pacific Railroad – Ward County, Public Convenience & Necessity, Case No. PU-15-689.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-791
Hiland Operating, LLC /
Hiland Partners Holdings
Transfer - Certificate #125 &
Permit #134
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, effective January 5, 2016, the Commission consolidate for notice, under North Dakota Administrative Code section 69-02-04-04, and issue a Notice of Opportunity for Consolidated Hearing, Case Nos. PU-15-791, PU-15-793, and PU-15-794.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-793
Hiland Operating, LLC /
Hiland Partners Holdings
Transfer - Certificate #116 &
Permit #126
Siting Application

Case No. PU-15-794
Hiland Operating, LLC /
Hiland Partners Holdings
Transfer - Certificate #149 &
Permit #160
Siting Application

Case No. PU-15-114
Sacagawea Pipeline Company, LLC
16-inch Crude Oil Pipeline –
McKenzie & Mountrail
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Sacagawea Pipeline Company, LLC, 16-inch Crude Oil Pipeline – McKenzie & Mountrail, Siting Application, Case No. PU-15-114.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-700
Archer Daniels Midland Co.
License No. 1091 - Pingree, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-700 cancelling warehouse license number 1091 issued to Archer Daniels Midland Co. at Pingree, North Dakota and ordering that business at Pingree is discontinued.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-697
Glinz Grain, LLC
Facility-Based Grain Buyer –
Pingree, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-15-697 granting the request of Glinz Grain, LLC of Jamestown, North Dakota, to operate as a facility-based grain buyer at Pingree, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-703
Montana-Dakota Utilities Co.,
a Division of MDU
Renewable Resource Cost Recovery
Tariff and Rates

Mr. Kalk: I move the Commission adopt the Order approving settlement in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Renewable Resource Cost Recovery, Tariff and Rates, Case No. PU-15-703.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-798
Cenex Pipeline, LLC
Cenex Prosper Terminal Project –
Cass County
Siting Application

Ms. Fedorchak: I move that the Commission retain Zachary Pelham to provide legal services to assist the Commission in processing Cenex Pipeline, LLC, Cenex Prosper Terminal Project, Cass County, Siting Application, Case No. PU-15-798.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-690
Brady Wind, LLC
Brady Wind Energy Center –
Stark County
Siting Application

Ms. Fedorchak: I move that the Commission retain Zachary Pelham, effective December 18, 2015, to provide legal services to assist the Commission in processing Brady Wind, LLC, Brady Wind Energy Center, Stark County, Siting Application, Case No. PU-15-690.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-797
Brady Wind, LLC
230kV Transmission Line –
Stark County
Siting Application

Ms. Fedorchak: I move that the Commission retain Zachary Pelham, effective December 18, 2015, to provide legal services to assist the Commission in processing Brady Wind, LLC, 230 kV Transmission Line, Stark County, Siting Application, Case No. PU-15-797.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Post Probationary Period Salary
Adjustment

Ms. Fedorchak: I move the approval of a salary increase effective January 1, 2016 for Position No. 5007, based on the satisfactory completion of a 6-month monitoring period in an amount consistent with the terms defined during the Commission's July 8, 2015 work session.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Post Probationary Period Salary
Adjustment

Ms. Fedorchak: I move the approval of a salary increase effective January 1, 2016 for Position No. 5000, based on the satisfactory completion of a six-month probationary period, in an amount consistent with the terms defined in the Commission's June 22, 2015 written offer of employment plus a three percent legislative increase, calculated using the base salary prior to adding the off-probation increase, for fiscal year 2016 authorized by SB 2015 during the sixty-fourth Legislative session.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Post Probationary Period Salary
Adjustment

Ms. Fedorchak: I move the approval of a salary increase effective January 1, 2016 for Position No. 5029, based on the satisfactory completion of a one-year probationary period, in an amount consistent with the terms defined in the Commission's December 16, 2014 written offer of employment plus a three percent legislative increase, calculated using the base salary prior to adding the off-probation increase, for fiscal year 2016 authorized by SB 2015 during the sixty-fourth Legislative session.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:27 A.M.


Executive Secretary


Julie Fedorchak, Chairman