

March 23, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 23, 2016, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of March 4, 9, 2016 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-799
Dakota Prairie Refining, LLC /
Lario Shipping, LLC
Two Petroleum Product Pipelines -
Stark County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee final refund in the amount of \$3,750.61 in Dakota Prairie Refining, LLC / Lario Shipping, LLC, Two Petroleum Product Pipelines – Stark County, Siting Application, Case No. PU-13-799.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-853
Targa Badlands LLC
Little Missouri Gas Plant Expansion -
McKenzie
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$66,786.27 in Targa Badlands LLC, Little Missouri Gas Plant Expansion – McKenzie, Siting Application, Case No. PU-14-853.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-97
Bridger Pipeline LLC
16-inch Crude Oil Pipeline –
Billings & Stark
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$21,218.81 in Bridger Pipeline LLC, 16-inch Crude Oil Pipeline – Billings & Stark, Siting Application, Case No. PU-15-97.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-137
ONEOK Bakken Pipeline, L.L.C.
Lonesome Creek NGL Pipeline Pjct -
McKenzie
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$2,295.36 in ONEOK Bakken Pipeline, L.L.C., Lonesome Creek NGL Pipeline Pjct. –McKenzie, Siting Application, Case No. PU-15-137.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-142
Vantage Pipeline US LP
8-inch HVP Pipeline –
West Spur Pipeline Pjct
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$63,632.24 in Vantage Pipeline US LP, 8-inch HVP Pipeline – West Spur Pipeline Pjct., Siting Application, Case No. PU-15-142.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-232
NST Express, LLC
12-inch Crude Oil Pipeline –
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting fee interim refund in the amount of \$50,992.41 in NST Express, LLC, 12-inch Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-232.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-801
ONEOK Bakken Pipeline, L.L.C.
8-Inch NGL Pipeline –
McKenzie and Dunn Counties
Siting Application

Ms. Fedorchak: I move the Commission execute a contract with Wenk Associates, Inc. for construction inspection services in ONEOK Bakken Pipeline, L.L.C., 8-Inch NGL Pipeline - McKenzie and Dunn Counties, Case No. PU-15-801.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-720
Blue Jay Wireless, LLC
Designated Eligible Carrier
Application

Ms. Fedorchak: I move the Commission bill Blue Jay Wireless, LLC \$445.51 for costs incurred to date in Blue Jay Wireless, LLC, Designated Eligible Carrier, Application, Case No. PU-14-720.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-36
Midcontinent Comm. /
Red River Rural Telephone
Interconnection Agreement
Application

Ms. Fedorchak: I move the Commission bill Midcontinent Comm. / Red River Rural Telephone for costs incurred to date in Case No. PU-16-36, Midcontinent Comm. / Red River Rural Telephone, Interconnection Agreement, Application.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-86
New Cingular Wireless PCS, LLC
Designated Eligible Carrier
Application

Ms. Fedorchak: I move the Commission bill New Cingular Wireless PCS, LLC \$200.00 for costs incurred in New Cingular Wireless PCS, LLC, Designated Eligible Carrier, Application, Case No. PU-11-86.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-686
Lake Region State College
1.6 MW Wind Turbine –
Ramsey County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee final refund in the amount of \$4,462.25 in Lake Region State College, 1.6 MW Wind Turbine – Ramsey County, Siting Application, Case No. PU-11-686.

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 issue a siting fee interim refund in the amount of \$62,778.41 in Montana-Dakota Utilities / Otter Tail Power Co., 345kV 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-15-747
Montana-Dakota Utilities Co.,
a Division of MDU Re
Transmission Facility Cost Recovery
(2015)
Rates

Ms. Fedorchak: I move the Commission issue an application fee refund in the amount of \$9,155.68 in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Transmission Facility Cost Recovery (2015), Rates, Case No. PU-15-747.

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

Case No. PU-15-482
Lindahl Wind Project, LLC
Lindahl Wind Farm Project –
Williams County
Siting Application

Ms. Fedorchak: I move the Commission approve the Tree and Shrub Sampling Plan filed March 18, 2016 in Lindahl Wind Project, LLC, Lindahl Wind Farm Project – Williams County, Siting Application, Case No. PU-15-482.

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

Case No. PU-15-482
Lindahl Wind Project, LLC
Lindahl Wind Farm Project –
Williams County
Siting Application

Ms. Fedorchak: I move the Commission execute a contract with Carlson McCain, Inc. for construction inspection services in Lindahl Wind Project, LLC, Lindahl Wind Farm Project – Williams County, Siting Application, Case No. PU-15-482.

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

Case No. PU-16-8
Montana-Dakota Utilities Co.,
a Division of MDU
Cost of Gas 2016
Tariff Monthly Adjustments

Ms. Fedorchak: I move the Commission adopt the Order On Protection of Information in Montana-Dakota Utilities Company, a Division of MDU Resources, Cost of Gas 2016, Tariff Monthly Adjustments, Case No. PU-16-08.

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

Case No. PU-11-86
New Cingular Wireless PCS, LLC
Designated Eligible Carrier
Application

Ms. Fedorchak: I move the Commission bill New Cingular Wireless PCS, LLC \$200.00 for costs incurred in New Cingular Wireless PCS, LLC, Designated Eligible Carrier, Application, Case No. PU-11-86.

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

Case No. PU-14-826
Buckhorn Energy Services, LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on March 9, 2016, states a prima facie case and serve the complaint on the Respondent in Public Service Commission, Buckhorn Energy Services, LLC, Damage Prevention Enforcement, Case No. PU-14-826.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-675
Kollman Construction
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on March 10, 2016, states a prima facie case and serve the complaint on the Respondent in Public Service Commission, Kollman Construction, Damage Prevention Enforcement, Case No. PU-15-675.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-781
Territorial-Landworks, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Territorial-Landworks, Inc., Damage Prevention Enforcement, Case No. PU-15-781

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-94
BOE Pipeline, LLC
16-Inch Crude Oil Pipeline –
Dunn and McKenzie
Siting Application

Ms. Fedorchak: I move the Commission deem complete the applications for a certificate of corridor compatibility and a route permit and issue a Notice of Filings and Public Hearing in BOE Pipeline, LLC, 16-Inch Crude Oil Pipeline – Dunn and McKenzie, Siting Application, Case No. PU-16-94.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-136
Hiland Crude, LLC
Crude Oil Pipeline,
McKenzie, Williams, Mountrail
Siting Application

Ms. Fedorchak: I move the Commission issue a Notice of Filing and Notice of Opportunity for Hearing in Hiland Crude, LLC, Crude Oil Pipeline, McKenzie, Williams, Mountrail, Siting Application, Case No. PU-13-136.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-95
Bakken Oil Express, LLC
Dickinson Bypass Reroute - Stark
Siting Application

Ms. Fedorchak: I move the Commission issue a Notice of Filings and Notice of Opportunity for Hearing in Bakken Oil Express, LLC, Dickinson Bypass Reroute – Stark, Siting Application, Case No. PU-16-95.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-733
Oasis Midstream Services LLC
10.75-inch Crude Oil Pipeline -
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Oasis Midstream Services LLC, 10.75-inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-733.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-801
ONEOK Bakken Pipeline, L.L.C.
8-Inch NGL Pipeline –
McKenzie and Dunn Counties
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in ONEOK Bakken Pipeline L.L.C., 8-Inch NGL Pipeline – McKenzie and Dunn Counties, Siting Application, Case No. PU-15-801.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-671
Coteau Properties Company
Bond Release No. 4 for
Permit NACT-8503
Approval

Mr. Christmann: I move the Commission approve Bond Release No. 4 for Surface Coal Mining Permit No. NACT-8503, held by the Coteau Properties Company for the Freedom Mine, to release all reclamation liabilities on 27.537 acres of industrial land located in the NW¼ of Section 30, T145N, R87W, Mercer County. No monetary bond reduction was requested and the release will become effective April 25, 2016, unless a formal hearing is requested.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-709
Falkirk Mining Company
Revision No. 35 for
Permit NAFK-8405
Approval

Mr. Christmann: I move the Commission approve Revision No. 35 to Surface Coal Mining Permit No. NAFK-8405, held by the Falkirk Mining Company, to identify the next five-year coal removal subareas and to update other information and mining and reclamation plans for the next five-year permit term.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-710
Falkirk Mining Company
Renewal No. 6 for
Permit NAFK-8405
Approval

Mr. Christmann: I move the Commission approve Renewal No. 6 to Surface Coal Mining Permit No. NAFK-8405, held by the Falkirk Mining Company, to extend the permit term on the existing permit area for another five years, until April 15, 2021.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-735
Coteau Properties Company
Revision No. 28 for
Permit NACT-9001
Approval

Mr. Christmann: move the Commission approve Revision No. 28 to Surface Coal Mining Permit No. NACT-9001, held by the Coteau Properties Company, to update operation and reclamation plans for the next five-year permit term, and to delete 120 acres from the permit that were previously added to adjacent Permit No. NACT-0201.

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

Case No. RC-15-736
Coteau Properties Company
Renewal No. 5 for
Permit NACT-9001
Approval

Mr. Christmann: I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. NACT-9001, held by the Coteau Properties Company, to extend the permit term for another five years until April 16, 2021.

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

Case No. GE-16-126
Dakota Quality Grain Cooperative
Grain Warehouse
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-16-126 cancelling warehouse license numbers 839, 840, and 842, respectively issued to Dakota Quality Grain Cooperative at Parshall, Ross, and New Town, North Dakota and ordering that business at Parshall, Ross, and New Town, North Dakota is discontinued effective April 1, 2016.

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

Case No. GE-16-128
United Quality Cooperative
Grain Warehouse –
New Town, Parshall & Ross, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-16-128 granting the request of United Quality Cooperative to operate a 2,961,000 bushel grain warehouse at Parshall, a 1,414,000 bushel grain warehouse at New Town, and a 2,590,000 bushel grain warehouse at Ross, North Dakota, effective April 1, 2016.

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

Case No. PU-16-136
Reservation Telephone Cooperative
Extended Area Service
Price Schedule

Mr. Christmann: I move the Commission grant a filing of price increases of essential services with less than twenty days before the effective date of the price increase in Reservation Telephone Cooperative, Extended Area Service, Price Schedule, Case No. PU-16-136.

Mr. Kalk: 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
Siting Application

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

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

Case No. PU-15-96
Northern States Power Company
Advance Prudence - 345 MW Mankato
Energy Center
Application

Mr. Kalk: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order dismissing without prejudice Northern States Power Company, Advance Prudence - 345 MW Mankato Energy Center, Application, Case No. PU-15-96.

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

Case No. PU-16-14
Otter Tail Power Company
2016 Renewable Resource Cost
Recovery Adj. Factor
Rates

Mr. Kalk: I move the Commission assess a filing fee of \$10,000, suspend the updated tariff filing and issue a Notice of Hearing in Otter Tail Power Company, 2016 Renewable Resource Cost Recovery Adjustment Factor, Rates, Case No. PU 16 14.

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

Case No. PU-16-94
BOE Pipeline, LLC
16-Inch Crude Oil Pipeline –
Dunn and McKenzie Counties
Siting Application

Ms. Fedorchak: I move that the Commission retain Zachary Pelham, effective March 17, 2016, to provide legal services to assist the Commission in processing BOE Pipeline, LLC, 16-Inch Crude Oil Pipeline, Dunn and McKenzie Counties, Siting Application, Case No. PU-16-94.

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

Case No. AM-16-26
AML Division 2016 - Bowman
(Fox Hole) Construction
Project

Ms. Fedorchak: I move that upon appointment as a Special Assistant Attorney General, the Commission retain Benjamin W. Keup to provide legal services to assist the Commission in processing Public Service Commission, AML Division 2016 – Bowman (Fox Hole) Construction, Case No. AM-16-26.

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

Case No. PU-14-826
Buckhorn Energy Services, LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh as advocacy staff effective January 10, 2016, in Public Service Commission, Buckhorn Energy Services, LLC, Damage Prevention Enforcement, Case No. PU-14-826.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-627
Northern Improvement Company
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 7, 2016, in Public Service Commission, Northern Improvement Company, Damage Prevention Enforcement, Case No. PU-15-627.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-628
Northern Improvement Company
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 7, 2016, in Public Service Commission, Northern Improvement Company, Damage Prevention Enforcement, Case No. PU-15-628.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-629
Northern Improvement Company
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 7, 2016, in Public Service Commission, Northern Improvement Company, Damage Prevention Enforcement, Case No. PU-15-629.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-669
North Country Contracting LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 9, 2016, in Public Service Commission, North Country Contracting LLC, Damage Prevention Enforcement, Case No. PU-15-669.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-675
Kollman Construction
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 10, 2016, in Public Service Commission, Kollman Construction, Damage Prevention Enforcement, Case No. PU-15-675.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-681
JDM Schmitt Concrete
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 9, 2016, in Public Service Commission, JDM Schmitt Concrete, Damage Prevention Enforcement, Case No. PU-15-681.

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

Case No. GS-15-714
Guthmiller Earthmoving, Incorporated
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 10, 2016, in Public Service Commission, Guthmiller Earthmoving, Incorporated, Damage Prevention Enforcement, Case No. GS-15-714.

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

Case No. PU-15-750
Precision Dirtworks, LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 14, 2016, in Public Service Commission, Precision Dirtworks, LLC, Damage Prevention Enforcement, Case No. PU-15-750.

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

Case No. PU-15-751
Bulldog Concrete Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 15, 2016, in Public Service Commission, Bulldog Concrete Inc., Damage Prevention Enforcement, Case No. PU-15-751.

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

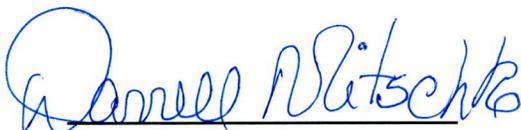
Case No. PU-16-14
Otter Tail Power Company
2016 Renewable Resource Cost
Recovery Adj. Factor
Rates

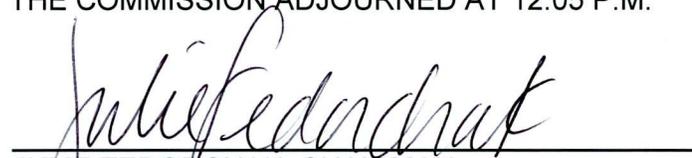
Ms. Fedorchak: I move the Commission appoint John Schuh and Mike Diller as advocacy staff effective December 31, 2015, in Otter Tail Power Company, 2016 Renewable Resource Cost Recovery Adjustment Factor, Case No. PU-16-14.

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

ATTEST

THE COMMISSION ADJOURNED AT 12:05 P.M.


Executive Secretary


JULIE FEDORCHAK, CHAIRMAN