

April 5, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 5, 2016, 10:30 a.m. Present were Commissioners Fedorchak and Kalk. Commissioner Christmann participated by telephone and authorized an administrative assistant to sign on his behalf.

Minutes

Ms. Fedorchak: I move the minutes of March 23, 2016 be approved.

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 execute a contract with ProSource Technologies for construction inspection services in Oasis Midstream Services LLC, 10.75-inch Crude Oil Pipeline - McKenzie County, Case No. PU-15-733.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-16-142
Juan Hernandez
Auctioneer
License Application

Ms. Fedorchak: I move the Commission approve the auctioneer license application for Juan Hernandez of Pocatello, Idaho.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-16-143
Austin Daniel Emerson
Auctioneer
License Application

Ms. Fedorchak: I move the Commission approve the auctioneer license application for Austin Daniel Emerson of Burlington, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-811
Northern States Power Company
2011 Electric
Annual Report

Ms. Fedorchak: I move the Commission close Northern States Power Company's 2011, 2012, 2013 and 2014 Electric Operations, Annual Report, Case Nos. PU-12-811, PU-13-209, PU 14-589 and PU-14-746.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-209
Northern States Power Company
2012 Electric
Annual Report

Case No. PU-14-589
Northern States Power Company
2013 Electric
Annual Report

Case No. PU-14-746
Northern States Power Company
2014 Electric
Annual Report

Motion Continued

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 issue a siting fee interim refund in the amount of \$64,877.43 in Basin Electric Power Cooperative, North Killdeer Loop Phase I 345 kV Transmission, Siting Application, Case No. PU-14-813.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-90
Montana-Dakota Utilities Co.,
a Division of MDU
Natural Gas Service Rate Increase
Application

Ms. Fedorchak: I move the Commission issue an application fee refund in the amount of \$150,420.64 in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Natural Gas Service Rate Increase, Application, Case No. PU-15-90.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-186
Liberty Resources LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Liberty Resources LLC, Damage Prevention Enforcement, Case No. PU-15-186

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-338
Terpening Construction Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Terpening Construction Inc., Damage Prevention Enforcement, Case No. PU-15-338

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-592
Thunder Spirit Wind /
Montana-Dakota Utilities Co.
Transfer of Site Certificate
Siting Application

Ms. Fedorchak: I move the Commission issue an application fee refund in the amount of \$4,949.95 in Thunder Spirit Wind / Montana-Dakota Utilities Co., Transfer of Site Certificate, Siting Application, Case No. PU-15-592.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-661
Otter Tail Power Company
Transmission Facility Cost Recovery
(2016)
Rates

Ms. Fedorchak: I move the Commission issue an application fee refund in the amount of \$8,608.12 in Otter Tail Power Company, Transmission Facility Cost Recovery (2016), Rates, Case No. PU-15-661.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-683
Northern States Power Company
Renewable Resource Cost Recovery
(2016)
Rates

Ms. Fedorchak: I move the Commission issue an application fee refund in the amount of \$9,887.01 in Northern States Power Company, Renewable Resource Cost Recovery (2016), Rates, Case No. PU-15-68.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-684
Northern States Power Company
Transmission Facility Cost Recovery
(2016)
Rates

Ms. Fedorchak: I move the Commission issue an application fee refund in the amount of \$9,856.33 in Northern States Power Company, Transmission Facility Cost Recovery (2016), Rates, Case No. PU-15-684.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-148
Otter Tail Power Company
Environmental Cost Recovery
Rates

Ms. Fedorchak: I move the Commission suspend the filing in Otter Tail Power Company, Environmental Cost Recovery, Rates, Case No. PU-16-148.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

2016 Excellence in Surface Coal
Mining Reclamation Awards
Office of Surface Mining Nomination

Mr. Christmann: I move the Commission forward the nomination submitted by The Coteau Properties Company to the federal Office of Surface Mining for consideration for the 2016 Excellence in Surface Coal Mining Reclamation Awards.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-755
Falkirk Mining Company
Revision No. 27 for Permit
NAFK-9503
Approval

Mr. Christmann: I move the Commission approve Revision No. 27 to Surface Coal Mining Permit No. NAFK-9503, 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.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-756
Falkirk Mining Company
Renewal No. 4 for Permit
NAFK-9503
Approval

Mr. Christmann: I move the Commission approve Renewal No. 4 to Surface Coal Mining Permit No. NAFK-9503, held by the Falkirk Mining Company, to extend the permit term on the existing permit area for another five years, until April 17, 2021.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-16-60
BNI Coal, Ltd.
Liability Period Variance,
Permit BNCR-8106
Approval

Mr. Christmann: I move the Commission approve BNI Coal Ltd.'s request for a variance to the ten-year revegetation responsibility period for 2.4 acres of reclaimed hayland located in the SE1/4 of Section 25, T142N, R84W, Oliver County where revegetation was delayed because of a subsoil stockpile.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-283
Terpening Construction Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in Public Service Commission, Terpening Construction Inc., Damage Prevention Enforcement, Case No. PU-15-283.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move the Commission adopt the Consent Order in Public Service Commission, Guthmiller Earthmoving, Incorporated, Damage Prevention Enforcement, Case No. GS-15-714.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move the Commission adopt the Consent Order in Public Service Commission, JDM Schmitt Concrete, Damage Prevention Enforcement, Case No. PU-15-681.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-122
Oliver Wind III, LLC
230 kV Transmission Line –
Oliver & Morton Counties
Siting Application

Mr. Kalk: I move the Commission deem the applications complete, pending receipt of final turbine locations 30 days prior to the hearing, and issue a Notice of Filings and Public Hearings in Oliver Wind III, LLC, Oliver III Wind Energy Center – Oliver & Morton Counties, Siting Application, Case No. PU-16-123, and Oliver Wind III, LLC, 230 kV Transmission Line – Oliver & Morton Counties, Siting Application, Case No. PU-16-122.

Ms. Fedorchak: I second the motion.

Case No. PU-16-123
Oliver Wind III, LLC
Oliver III Wind Energy Center –
Oliver & Morton Counties
Siting Application

Mr. Kalk : MOTION WITHDRAWN

Case No. PU-15-748
Adelman Concrete & Excavating, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 28, 2016, in Public Service Commission, Adelman Concrete & Excavating, Inc., Damage Prevention Enforcement, Case No. PU-15-748.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-122
Oliver Wind III, LLC
230 kV Transmission Line –
Oliver & Morton Counties
Siting Application

Case No. PU-16-123
Oliver Wind III, LLC
Oliver III Wind Energy Center –
Oliver & Morton Counties
Siting Application

Case No. PU-16-122
Oliver Wind III, LLC
230 kV Transmission Line –
Oliver & Morton Counties
Siting Application

Case No. PU-16-123
Oliver Wind III, LLC
Oliver III Wind Energy Center –
Oliver & Morton Counties
Siting Application

Case No. PU-16-122
Oliver Wind III, LLC
230 kV Transmission Line –
Oliver & Morton Counties
Siting Application

Case No. PU-16-123
Oliver Wind III, LLC
Oliver III Wind Energy Center –
Oliver & Morton Counties
Siting Application

Mr. Kalk: I move the Commission deem the applications complete, condition of receipt of: (1) final turbine locations with details on participating versus non-participating landowners and residences locations; (2) cultural studies; and (3) natural resources studies 30 days prior to the hearing, and issue a Notice of Filings and Public Hearings in Oliver Wind III, LLC, Oliver III Wind Energy Center – Oliver & Morton Counties, Siting Application, Case No. PU-16-123, and Oliver Wind III, LLC, 230 kV Transmission Line – Oliver & Morton Counties, Siting Application, Case No. PU-16-122.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission withdraw item BK-3 dealing with Case Nos. PU-16-123 and PU-16-122 for the purpose of an update at 1:10 pm today to consider consolidating the cases for hearing.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

The Commission meeting was held in recess at 11:53 a.m. and the Commission meeting was reconvened at 1:16 p.m.

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 or fact, I move the Commission consolidate for hearing, under North Dakota Administrative Code section 69-02-04-04, Oliver Wind III, LLC, Oliver III Wind Energy Center – Oliver & Morton Counties, Siting Application, Case No. PU-16-123, and Oliver Wind III, LLC, 230 kV Transmission Line – Oliver & Morton Counties, Siting Application, Case No. PU-16-122.

Continued

I further move the Commission deem the applications complete, conditioned on receipt at least 30 days prior to the hearing of: 1) final turbine locations with detail on residence locations and participating and nonparticipating landowners; 2) cultural studies; and 3) natural resources studies, and issue a Notice of Filings and Consolidated Hearings in Oliver Wind III, LLC, Oliver III Wind Energy Center – Oliver & Morton Counties, Siting Application, Case No. PU-16-123, and Oliver Wind III, LLC, 230 kV Transmission Line – Oliver & Morton Counties, Siting Application, Case No. PU-16-122.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 1:32 P.M.


Executive Secretary


JULIE FEDORCHAK, CHAIRMAN