

June 8, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on June 8, 2016, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of May 18, 24, 27, 2016 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Blaster Re-Certification
Approval

Ms. Fedorchak: I move the Commission approve blaster re-certification for the following applicants:

No.	Applicant	Affiliation	Certificate No.
1.	Tyler Barth	Freedom Mine	13-06-352R(1)
2.	Rick Stein	Freedom Mine	13-06-354R(1)
3.	Eric Zimpel	Freedom Mine	13-06-353R(1)

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-16-240
Ben Stiegelmeier
Auctioneer
License Application

Ms. Fedorchak: I move the Commission approve the auctioneer license application for Ben Stiegelmeier, Selby, South Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-704
Otter Tail Power Company
Inter-Community Telephone
Company - Cass County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order on Certificate of Public Convenience and Necessity in Otter Tail Power Company, Inter-Community Telephone Company – Cass County, Public Convenience & Necessity, Case No. PU-14-704.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-716
Montana-Dakota Utilities Co.,
a Division of MDU Re
BNSF Railway - Williams 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., BNSF Railway – Williams County, Public Convenience & Necessity, Case No. PU-14-706.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-174
Northern States Power Company /
Courtenay Wind
Transfer of Site Certificate
Siting Application

Ms. Fedorchak: I move the Commission acknowledge the May 18, 2016 staff approval of site plan revisions, Northern States Power Company / Courtenay Wind, Transfer of Site Certificate, Siting Application, Case No. PU-15-174.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-699
Continental Resources Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on May 31, 2016 states a prima facie case and serve the complaint on the Respondent in Public Service Commission, Continental Resources Inc., Damage Prevention Enforcement, Case No. PU-15-699.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-752
Key Contracting, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Key Contracting, Inc., Damage Prevention Enforcement, Case No. PU-15-752

Mr. Christmann: 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 the Commission adopt the Order Adopting the ALJ Recommendation to Grant Request to Withdraw Consolidated Application in Cenex Pipeline, LLC, Cenex Prosper Terminal Project – Cass County, Siting Application, Case No. PU-15-798.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-35
Plains Pipeline, L.P.
8-inch Crude Oil Pipeline –
Bison Pipeline Project
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Plains Pipeline, L.P., 8-inch Crude Oil Pipeline – Bison Pipeline Project, Siting Application, Case No. PU-15-35.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-189
Hess North Dakota Export
Logistics LLC
12-Inch Crude Oil Pipeline –
Williams County
Siting Application

Ms. Fedorchak: I move the Commission deem complete the applications for a certificate of corridor compatibility and a route permit, and further move the Commission issue a Notice of Filings and Public Hearing in Hess North Dakota Export Logistics LLC, 12-Inch Crude Oil Pipeline – Williams County, Siting Application, Case No. PU-16-189.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-16-210
Overly Co-operative Elevator Company
License No. 50 - Overly, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-16-210 cancelling warehouse license number 50 issued to Overly Co-operative Elevator Company at Overly, North Dakota and ordering that business at Overly is discontinued.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-16-208
North Central Grain Cooperative
Grain Warehouse - Overly, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-16-208 granting the request of North Central Grain Cooperative to operate a 417,000 bushel grain warehouse at Overly, North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-212
Nexus Communications, Inc.
Designated Eligible Carrier - Relinquish
Application

Mr. Christmann: I move the Commission issue a Notice of Opportunity for Comment in Nexus Communications, Inc., Designated Eligible Carrier - Relinquish, Application, Case No. PU-16-212.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move the Commission adopt the Consent Order in Public Service Commission, Adelman Concrete & Excavating, Inc., Damage Prevention Enforcement, Case No. PU-15-748.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-182
Steven Keller
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in Public Service Commission, Steven Keller, Damage Prevention Enforcement, Case No. PU-16-182.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-189
Hess North Dakota Export Logistics
LLC
12-Inch Crude Oil Pipeline –
Williams County
Siting Application

Ms. Fedorchak: I move the Commission request the Director of the Office of Administrative Hearings to designate an Administrative Law Judge to preside as a substantive hearing officer in Hess North Dakota Export Logistics LLC, 12-Inch Crude Oil Pipeline, Williams County, Siting Application, Case No. PU-16-189.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-709
Midcontinent Communications
2013 High-Cost Universal Services
Support
Annual Report

Case No. PU-13-909
Midcontinent Comm. / Consolidated
Communications
Interconnection Agreement
Amendment
Application

Case No. PU-14-77
Midcontinent Communications
2014 High-Cost Universal Service
Support
Annual Report

Case No. PU-15-46
Midcontinent Communications
2015 High-Cost Universal Service
Support
Annual Report

Case No. PU-15-222
Midcontinent Comm. / Dakota Central
Telecom I
Interconnection Agreement
Application

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

Case No. PU-16-48
Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-15-699
Continental Resources Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission acknowledge the continued representation before the Public Service Commission by outside counsel Zachary Pelham and his firm of Midcontinent Communications in routine, uncontested telecommunications cases involving no interest adverse to the Commission, and that the Commission waive any conflict of interest this representation may, technically, present.

I further move that this waiver applies to the captioned, and similar future, Annual Report, Interconnection and Eligible Carrier cases, so long as the cases are routine, uncontested and involve no interest adverse to the Commission. Should the representation of Midcontinent Communications before the Public Service Commission involve other cases that are contested, not routine, or involve an interest adverse to the Commission, the waiver does not apply and the question of a potential conflict of interest must be readdressed by the Commission.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Mr. Kalk: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective May 31, 2016, in Public Service Commission, Continental Resources, Inc., Damage Prevention Enforcement, Case No. PU-15-699.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

AML Seasonal Inspector

Mr. Kalk: I move the Commission acknowledge the re-hiring of Alan Erickson for seasonal part-time employment as a Project Inspector in the AML Division for a period of employment starting June 1, 2016, and ending no later than November 18, 2016, at a salary of \$23.50 per hour plus time and a half for hours worked in excess of the standard 40 hour work week.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:10 P.M.


Executive Secretary



JULIE FEDORCHAK, CHAIRMAN