

June 22, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on June 22, 2016, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of June 8, 16, 2016 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-835  
Whiting Oil and Gas Corporation  
Robinson Lake Gas Plant Expansion -  
Mountrail Cty.  
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 \$15,000.00 in Whiting Oil and Gas Corporation, Robinson Lake Gas Plant Expansion – Mountrail Cty., Siting Application, Case No. PU-13-835.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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

Ms. Fedorchak: I move the Commission correct the case name in its June 8, 2016 motion from "Nexus Communications, Inc., Designated Eligible Carrier, Cancellation / Application" to "Nexus Communications, Inc., Designated Eligible Carrier - Relinquish, Application", Case No. PU-16-212.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-257  
Northwest Communications Coop /  
Nemont Telephone  
Alamo / Ambrose  
Exchange Boundary Agreement

Ms. Fedorchak: I move the Commission approve a change in the exchange boundary between Northwest Communications Cooperative's Alamo local exchange and Nemont Telephone Cooperative, Inc.'s Ambrose local exchange and issue amended certificates of Public Convenience and Necessity in Northwest Communications Coop / Nemont Teleph, Alamo / Ambrose, Exchange Boundary Agreement, Case No. PU-16-257.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-12-31  
Shores Companies, Inc.  
Damage Prevention Enforcement

WITHDRAWN

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-13-883  
Northern Excavating Co., Inc. (75 pair 2nd time)  
Damage Prevention Enforcement

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-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

Ms. Fedorchak: I move the Commission execute a contract with Harvard Collection Services, Inc. for collection services 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. (75 pair 2nd time), Damage Prevention Enforcement, Case No. PU-13-883, 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, 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. (05-06-14 8:57 a.m.), Damage Prevention Enforcement, Case No. GS-14-229, Public Service Commission, Northern Excavating Co., Inc. (4-fiber 2nd time), Damage Prevention Enforcement, Case No. PU-14-134, Public Service Commission, Northern Excavating Co., Inc. (04-30-14 1:45 p.m.), Damage Prevention Enforcement, Case No. GS-14-230, and Public Service Commission, Northern Excavating Co., Inc. (5-28-14 3:30 p.m.), Damage Prevention Enforcement, Case No. PU-14-671.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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

Motion Continued

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

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

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

Ms. Fedorchak: I move the Commission execute a contract for inspection services with Wenck Associates, Inc. in 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-16-180  
Montana-Dakota Utilities Co.,  
a Division of MDU  
Milo Holte - Dunn 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., Milo Holte – Dunn County, Public Convenience & Necessity, Case No. PU-16-180.

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

Case No. PU-14-842  
Dakota Access, LLC  
Dakota Access Pipeline Project  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Second Supplemental Findings of Fact, Conclusions of Law and Order in Dakota Access, LLC, Dakota Access Pipeline Project, Siting Application, Case No. PU-14-842.

Mr. Kalk: I second the motion.  
Roll Call: Fedorchak "Aye."  
Kalk "Aye."  
Christmann "Recused from Vote."

Case No. PU-14-842  
Dakota Access, LLC  
Dakota Access Pipeline Project  
Siting Application

Ms. Fedorchak: I move the Commission approve a maximum width of 85 feet for clear cuts through windbreaks, shelterbelts and other wooded areas identified in the May 27, 2016 filing of Dakota Access, LLC, docket number 184, in Dakota Access, LLC, Dakota Access Pipeline Project, Siting Application, Case No. PU-14-842.

Mr. Kalk: I second the motion.

Roll Call: Fedorchak "Aye."

Kalk "Aye."

Christmann "Recused from Vote."

Case No. GS-14-216  
Plote Construction ND, LLC  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission issue a Notice of Hearing in Public Service Commission, Plote Construction ND, LLC, Damage Prevention Enforcement, Case No. GS-14-216.

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 adopt the Findings of Fact, Conclusions of Law and Order 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-16-148  
Otter Tail Power Company  
Environmental Cost Recovery  
Rates

Mr. Kalk: I move the commission approve Otter Tail Power Company's Annual Update to Environmental Cost Recovery Rider, Case No. PU-16-148.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-194  
Master Construction Co., Inc.  
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in Public Service Commission, Master Construction Co., Inc., Damage Prevention Enforcement, Case No. PU-16-194.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kalk: I move that the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 49 in Oliver Wind III, LLC, Oliver III Wind Energy Center – Oliver & Morton Counties, Siting Application, Case No. PU-16-123.

Mr. Christmann: 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 adopt the Findings of Fact, Conclusions of Law and Order issuing Corridor Certificate No. 189 and Route Permit No. 201 in 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."

AML GIS Part-time Hire

Ms. Fedorchak: I move the Commission acknowledge the offer to and acceptance of Marc Seamands to fill a temporary part-time GIS position for the Abandoned Mine Lands (AML) Division under the terms specified in the June 9, 2016 written offer of employment.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-194  
Master Construction Co., Inc.  
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective May 27, 2016, in Public Service Commission, Master Construction Co., Inc., Damage Prevention Enforcement, Case No. PU-16-194.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-214  
Keller Paving & Landscaping, Inc.  
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective June 17, 2016, in Public Service Commission, Keller Paving & Landscaping, Inc., Damage Prevention Enforcement, Case No. PU-16-214.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Budget Extension Request

Ms. Fedorchak: I move the Commission approve a request for extension be submitted by the Accounting Manager to OMB to move the Public Service Commission's department budget due date from July 15, 2016 to August 31, 2016.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Reduction-In-Force Policy

Ms. Fedorchak: I move the Commission adopt revisions to Policy 3-08-96 (0), Reduction-in-Force effective June 23, 2016. I further move that 3-08-96 (0) be incorporated into the policy manual.

PUBLIC SERVICE COMMISSION  
REDUCTION-IN-FORCE POLICY

POLICY 3-08-96 (0)

JUNE 23, 2016

A. PURPOSE

This policy identifies the process that the Commission will use in implementing North Dakota Administrative Code (NDAC) Chapter 4-07-11. The intent of the process is to retain the employees who will be best able to help the Commission carry on its work following the reduction.

B. POLICY

If it becomes necessary to implement a reduction-in-force, the Commission will assign the director of administration/executive secretary to review all Commission functions to identify activities that may be eliminated, consolidated, or performed more efficiently. The director of administration/executive secretary will then conduct a written analysis of the affected employees within the Commission to determine those employees who will be subject to the reduction-in-force. This recommendation will be forwarded to the Commission for final action.

C. GUIDANCE: NDCC Chapter 54-44.3-12  
NDAC Chapter 4-07-11

D. EFFECTIVE DATE: June 23, 2016

E. REVISION DATES: PSC Minutes, June 23, 2016

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:37 A.M.

  
Executive Secretary

  
JULIE FEDORCHAK, CHAIRMAN