

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Consolidated Communications Networks, Inc.
Designated Eligible Carrier Expansion
Application**

Case No. PU-24-168

M O T I O N

May 23, 2024

I move the Commission issue a Notice of Opportunity for Hearing in Consolidated Communications Networks, Inc., Designated Eligible Carrier Expansion, Application, Case No. PU-24-168.

VFS

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Consolidated Communications Networks, Inc.
Designated Eligible Carrier Expansion
Application

Case No. PU-24-168

NOTICE OF OPPORTUNITY FOR HEARING

On April 22, 2024, Consolidated Communications Networks, Inc. (CCN) filed, as a non-incumbent local exchange carrier, an application for designation as an eligible telecommunications carrier (ETC) for the purpose of receiving federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E. Such designation is also known as Lifeline-only ETC designation. CCN proposes to provide Lifeline universal services to qualifying low-income North Dakota customers by using its own facilities.

The issues to be considered in this proceeding are:

1. Is the applicant qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding?
2. What ETC universal service support area should be designated?
3. Is designation of the applicant as an ETC in the public interest?

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. **Comments and requests for hearings must be received by July 8, 2024.** If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

Issued: May 23, 2024

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**IM Telecom, LLC
Designated Eligible Carrier
Application**

Case No. PU-23-365

MOTION

May 23, 2024

I move the Commission adopt the Order on Eligible Telecommunications Carrier Designation in IM Telecom, LLC, Designated Eligible Carrier, Application, Case No. PU-23-365.

VFS

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

IM Telecom, LLC
Designated Eligible Carrier
Application

Case No. PU-23-365

ORDER ON ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

May 23, 2024

Preliminary Statement

On December 21, 2023, IM Telecom, LLC (IM), an Oklahoma corporation with its principal offices located at 500 North Central Expressway, Suite 202, Plano, TX 75074, filed an application for designation as an eligible telecommunications carrier (ETC) for the purpose of receiving federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E. This designation is also known as Lifeline-only ETC designation. IM proposes to provide Lifeline universal services to eligible low-income customers as a commercial mobile radio service (CMRS) carrier throughout every telephone exchange in North Dakota.

On January 4, 2024, the Commission issued a Notice of Opportunity for Hearing (Notice) providing until February 19, 2024, for comments and requests for hearing. No comments or requests for hearing were received. The Notice identified the issues to be considered in this matter are:

1. Is the applicant qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding?
2. What ETC universal service support area should be designated?
3. Is designation of the applicant as an ETC in the public interest?

The Notice stated that the Commission can determine the matter without a formal hearing.

On December 21, 2023, IM filed a signed Certification Relating to Order Provisions with its application.

On March 27, 2024, the Commission held an Informal Hearing to discuss the issues with IM.

ETC Designation

The Telecommunications Act of 1996 provides financial support for universal services to common carriers that have been designated as ETCs and that (1) offer the universal services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services and (2) advertise the universal services, advertise the availability of such services, and advertise the charges for such services, using media of general distribution.

In its *Report and Order and Further Notice of Proposed Rulemaking* released February 6, 2012, in Docket No. FCC 12-11 at paragraph 368, the Federal Communications Commission found that it would forbear from the "own-facilities" requirement contained in section 214(e)(1)(A) for carriers that seek to become, Lifeline-only ETCs, subject to the following conditions: (1) the carrier must comply with certain 911 requirements and (2) the carrier must file, and the FCC must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement Lifeline service obligations as well as further safeguards against waste, fraud and abuse the FCC may deem necessary.

Under 47 CFR 54.201, a carrier seeking Lifeline-only ETC designation must demonstrate that it is financially and technically capable of providing Lifeline service in compliance with 47 CFR Subpart E. IM is seeking Lifeline-only ETC designation.

Both federal law and state law give the Commission the authority to designate a common carrier as an ETC. In areas served by a rural telephone company, the Commission must find that ETC designation is in the public interest.

IM, was organized and incorporated in the state of Oklahoma on February 9, 2012. IM is a common carrier and reseller of commercial mobile radio service, and will offer all of the services and functionalities detailed in Section 54.101(a) of the FCC Rules. IM generates revenues from non-Lifeline services and has access to capital from its investors; and currently provides services to approximately 60,000 customers. Therefore, IM is not solely dependent on reimbursements from the Universal Service Fund. IM proposes to provide services to customers by using the underlying networks of AT&T Mobility, Verizon Wireless, and/or T-Mobile USA, Inc. on a wholesale basis in order to provide the best coverage and service available for subscribers. IM is currently authorized as a wireless ETC in the states of California, Georgia, Kentucky, Maryland, Nevada, New York, Oklahoma, Pennsylvania, South Carolina, Vermont and Wisconsin.

IM will offer telecommunications services primarily to eligible low-income subscribers.

IM will offer plan options including 1000 anytime prepaid minutes, 1000 text messages and 4.5GB data at a net cost to an eligible non-tribal Lifeline customer of \$20

per month. IM will also offer a tribal option with 3000 anytime minutes, unlimited text messages and 6GB data at a net cost to an eligible tribal Lifeline customer of \$0 per month. IM will offer to all customers a free or discounted handset or SIM card, custom calling features at no charge including 911, Caller ID, Call Waiting, Voicemail and the ability to use voice minutes for domestic long distance.

IM seeks only Lifeline support from the low-income mechanism of the federal Universal Service Fund and does not seek support from the high-cost support mechanism. This program is designed to reduce the monthly cost of telecommunication services for eligible consumers, is distributed on a per-customer basis, and is directly reflected in the price that the eligible customer pays. Because IM does not seek support from the high-cost support mechanism, designation of IM as a Lifeline-only ETC will not pose any adverse effect on the growth in the high-cost portions of the Universal Service Fund (USF), nor will it create or contribute to an erosion of high-cost funding from any rural or nonrural telephone company. Increasing the number of designated Lifeline-only ETCs in North Dakota will provide the opportunity for increased participation by eligible consumers in the Lifeline program.

NDAC § 69-09-05-12(6)(a) requires a full description of available services in the ETC's official telephone directory. Since IM is a CMRS provider, it does not have an official telephone directory in North Dakota and requests a waiver from this requirement pursuant to NDAC §§ 69-09-05-12(2)(c) and (d).

The FCC approved IM's Compliance Plan on August 8, 2012, and thereby granted IM forbearance from the statutory requirement that IM provide service using its own facilities in order to be designated as a Lifeline-only ETC.

The Certification Relating to Order Provisions as signed by Jason Welch, President of IM and filed on December 21, 2023, is incorporated by reference and attached to this order.

Consumers eligible for the Lifeline discounts offered by IM will receive the benefits of nationwide calling areas and the convenience and security of mobile telephone service. IM will bring increased customer choice and the benefits of competition.

Universal Service Support Area

The Commission must establish a geographic area (service area) for the purpose of determining universal service obligations and support mechanisms for the designated ETC. 47 U.S.C. § 214(e)(5).

The Act defines service area:

SERVICE AREA DEFINED-- The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In its *Memorandum Opinion and Order*, FCC 13-44, released April 15, 2013, the Federal Communications Commission determined that carriers may be designated as a Lifeline-only ETC in partial rural service areas.

In this proceeding, IM is requesting ETC designation in all North Dakota telephone exchanges.

IM has demonstrated that it is financially and technically capable of providing Lifeline service in compliance with 47 CFR Subpart E.

Based on the evidence in this proceeding, IM is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E.

It is in the public interest that IM be designated as a Lifeline-only ETC in all North Dakota telephone exchanges.

IM is registered with the Commission to provide commercial mobile radio and long-distance services.

IM is registered with the Secretary of State of North Dakota and IM is in good standing.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

Order

The Commission orders:

1. IM Telecom, LLC is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support for low-income consumers under

47 CFR Part 54 Subpart E. The designated service area in this proceeding consists of all study areas in North Dakota.

2. IM Telecom, LLC shall comply with the applicable annual reporting requirements set forth in North Dakota Administrative Code §69-09-05-12.1.

3. Under North Dakota Administrative Code §69-09-05-12(2)(c) and (d), IM Telecom, LLC is granted a waiver of the requirements of North Dakota Administrative Code § 69-09-05-12(6)(a) regarding the publication of a full description of its services in an official telephone directory.

4. The December 21, 2023, Certification Relating to Order Provisions is incorporated by reference and attached to this Order.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

**BEFORE THE
STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

IM Telecom, LLC d/b/a Infiniti Mobile)
Application for Designation as an Eligible) Case No. PU-23 ____
Telecommunications Carrier)

Certification Relating to Order Provisions

I, Jason Welch, President of IM Telecom, LLC d/b/a Infiniti Mobile (“INFINITI”), have the authority to bind INFINITI and hereby certify that INFINITI will comply with the service requirements applicable to the low-income support it receives, and further certify as follows:

1. INFINITI is seeking designation as a Lifeline-Only Eligible Telecommunications Carrier (Lifeline-Only ETC) for all non-rural telephone company wire centers within the state of North Dakota, all rural telephone company study areas within the state of North Dakota, and all Tribal areas within the non-rural and rural telephone company areas within the state of North Dakota, which is the entire state of North Dakota.
2. For the telephone exchanges enumerated, INFINITI understands and agrees to the conditions and criteria set forth in Chapter 49-21 of the North Dakota Century Code and Chapter 69-09-05 of the North Dakota Administrative Code that pertain to Wireless Lifeline Only Eligible Telecommunications Carriers (Lifeline-Only ETC), and INFINITI will be responsible for compliance with this Certification, the Public Service Commission's order in this proceeding, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Lifeline-Only ETCs.

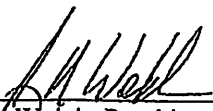
The provision in Chapter 69-09-05 of the North Dakota Administrative Code requiring the ETC to describe services in the “carrier’s official telephone directory” is not applicable because INFINITI has no such directory.

3. INFINITI agrees to comply with all statements, processes and procedures set forth in its Application for designation as a Lifeline-Only ETC in the enumerated telephone exchanges. INFINITI agrees that all statements made and matters set forth in its Application are true and correct to the best of INFINITI’s knowledge, information, and belief.
4. INFINITI will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.

5. INFINITI meets all of the prerequisites to be designated as a Lifeline-Only ETC throughout the proposed ETC Designated Area in this proceeding.
6. INFINITI provides each of the services supported by federal universal service support mechanisms, specified in Federal Communications Commission's (FCC's) rules, 47 C.F.R. 54.101, and will offer these supported services in North Dakota upon designation as a Lifeline-Only ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.
7. INFINITI will provide service on a timely basis to requesting customers within INFINITI's proposed designated service area where INFINITI's network already passes the customer's premises.
8. INFINITI will provide service within a reasonable period of time, if the potential customer is within INFINITI's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (a) Modifying or replacing the requesting customer's equipment;
 - (d) Adjusting network or customer facilities; or
 - (e) Reselling services from another carrier's facilities to provide service.
9. INFINITI will not seek Universal Service Fund high-cost support for any telephone exchanges in its designated service area in North Dakota.
10. INFINITI will use all available means to ensure customers are eligible for the Lifeline program at the time of sign-up and recertification in accordance with the federal eligibility criteria in 47 C.F.R. § 54.409 and the relevant proof documentation specified in 47 C.F.R. § 54.410. INFINITI will rely upon the FCC's National Lifeline Eligibility Verifier and National Lifeline Accountability Database to prevent duplication and determine eligibility.
11. INFINITI has taken, and will continue to take, steps to work with its underlying carriers to remain functional in emergency situations by: (1) maintaining a reasonable amount of backup power to ensure functionality without an external power source; (2) maintaining the ability to re-route traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and (3) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services.
12. INFINITI will meet or exceed applicable consumer protection and quality standards and will comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.
13. INFINITI will advertise the availability of the supported services detailed in its Application, and the corresponding rates and charges, in a manner designed to inform the general public within North Dakota. This advertising will occur through a combination of media channels.

14. INFINITI will offer the services described in its Application.
15. INFINITI understands and agrees that if INFINITI has not advertised its Lifeline services or signed up any North Dakota customers within 12 months of the effective date of INFINITI's designation as a Lifeline-only ETC, the Public Service Commission may revoke INFINITI's Lifeline-only ETC designation and INFINITI may reapply to be designated as a Lifeline-only ETC in North Dakota.
16. INFINITI will comply with all applicable annual reporting requirements associated with being an ETC in North Dakota including filing with the Public Service Commission a copy of each annual ETC report filed with the FCC, within 30 days of filing with the FCC.
17. INFINITI understands and agrees that its ability to offer service is subject to suspension or revocation for failure to comply with the Public Service Commission's orders, or applicable statutes, rules, regulations, standards, and other authorizations.
18. INFINITI agrees to maintain the records to demonstrate that INFINITI has complied with the requirements of the Public Service Commission's order(s) and that INFINITI will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
19. INFINITI understands and agrees that, to the extent there are any conflicts or inconsistencies between INFINITI's Application and the provisions in this Certification, the Certification provisions control.

Dated: December 18, 2023



Jason Welch, President
IMTelecom, LLC d/b/a Infiniti Mobile

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Roger Hasse – Kidder County
Public Convenience & Necessity

Case No. PU-24-165

M O T I O N

May 23, 2024

I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Roger Hasse – Kidder County, Public Convenience & Necessity, Case No. PU-24-165.

GRS

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Roger Hasse – Kidder County
Public Convenience & Necessity

Case No. PU-24-165

NOTICE OF OPPORTUNITY FOR HEARING

On May 13, 2024, Montana-Dakota Utilities Co., an electric public utility, filed an application under North Dakota Century Code Chapter 49-03 to extend service to Roger Hasse at a location in Kidder County, North Dakota.

Submitted with the application was a statement by Roger Hasse that he desires electric service to be provided by the applicant. Service is to be provided at a point located in:

The Section 22, Twp 139N, R 72W, Kidder County, North Dakota.

Montana-Dakota Utilities Co. has made a prima facie showing that it should serve the customer.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. **Comments and requests for hearings must be received by June 17, 2024.** If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

Issued: May 23, 2024

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Tim Lauters – Kidder County
Public Convenience & Necessity

Case No. PU-24-166

MOTION

May 23, 2024

I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Tim Lauters – Kidder County, Public Convenience & Necessity, Case No. PU-24-166.

GRS

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Tim Lauters – Kidder County
Public Convenience & Necessity

Case No. PU-24-166

NOTICE OF OPPORTUNITY FOR HEARING

On May 13, 2024, Montana-Dakota Utilities Co., an electric public utility, filed an application under North Dakota Century Code Chapter 49-03 to extend service to Tim Lauters at a location in Kidder County, North Dakota.

Submitted with the application was a statement by Tim Lauters that he desires electric service to be provided by the applicant. Service is to be provided at a point located in:

Section 27, Tract 27-8, Twp 139N, R 72W, Kidder County, North Dakota.

Montana-Dakota Utilities Co. has made a prima facie showing that it should serve the customer.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. **Comments and requests for hearings must be received by June 17, 2024.** If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

Issued: May 23, 2024

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Public Service Commission
Telecommunications Relay Service
Misc. Case

Case No. PU-24-188

MOTION

May 23, 2024

I move the Commission publish notice of the 2024-2025 Telecommunications Relay Service Surcharge in the daily newspapers of general circulation in the state of North Dakota in Public Service Commission, Telecommunications Relay Service, Misc. Case, Case No. PU-24-188.

GRS

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

NOTICE

TELECOMMUNICATIONS RELAY SERVICE SURCHARGE

May 23, 2024

On April 21, 1993, Governor Edward T. Schafer approved House Bill No. 1028 that established a program to provide specialized telecommunications services and equipment to the communications impaired. The relay services program is funded by an access line surcharge paid by the customers of local exchange companies and radio communications service providers.

The relay services program is administered by the Information Technology Department of the State of North Dakota. Before June 1 of each year, the Public Service Commission calculates the amount of the surcharge based on cost data and other information provided by the Information Technology Department.

The Commission has calculated the 2024-2025 surcharge to be included in bills to customers is **\$.03 per access line per month.**

APPROVED
DATE: 05/23/2024
ESG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Northern States Power Company
Saver Switch Tariff Modifications
Tariff

Case No. PU-23-337

MOTION

May 23, 2024

I move the Commission acknowledge the withdrawal in Northern States Power Company, Saver Switch Tariff Modifications, Tariff, Case No. PU-23-337.

AR

APPROVED

DATE: 05/23/2024

EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Jeff Lauters – Kidder County
Public Convenience & Necessity

Case No. PU-24-167

M O T I O N

May 23, 2024

I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Jeff Lauters – Kidder County, Public Convenience & Necessity, Case No. PU-24-167.

GRS

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Jeff Lauters – Kidder County
Public Convenience & Necessity

Case No. PU-24-167

NOTICE OF OPPORTUNITY FOR HEARING

On May 13, 2024, Montana-Dakota Utilities Co., an electric public utility, filed an application under North Dakota Century Code Chapter 49-03 to extend service to Jeff Lauters at a location in Kidder County, North Dakota.

Submitted with the application was a statement by Jeff Lauters that he desires electric service to be provided by the applicant. Service is to be provided at a point located in:

Section 27, Tract 27-7, Twp 139N, R 72W, Kidder County, North Dakota.

Montana-Dakota Utilities Co. has made a prima facie showing that it should serve the customer.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. **Comments and requests for hearings must be received by June 17, 2024.** If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

Issued: May 23, 2024

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Electric Service Agreement – Applied Digital
Approval**

Case No. PU-23-322

MOTION

May 23, 2024

I move the Commission adopt the order in Montana-Dakota Utilities Co., Electric Service Agreement – Applied Digital, Approval, Case No. PU-23-322.

AR

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Electric Service Agreement – Applied Digital
Approval

Case No. PU-23-322

ORDER

May 23, 2024

Preliminary Statement

On October 2, 2023, Montana-Dakota Utilities Co. (MDU) filed an application for approval of an Electric Service Agreement (ESA) with APLD-ELN-02 LLC (Applied). The ESA provides that Applied would take electric service from MDU under its High Density Contracted Demand Response Rate 45 (Rate 45).

On October 24, 2023, the Commission issued a Notice of Opportunity for Hearing, which provided until December 5, 2023, for receiving written comments or hearing requests. The notice identified the following as issues to be considered:

1. What is the value of MDU's property, used and useful, for the service and convenience of the public in North Dakota?
2. What is the just and reasonable rate of return on MDU's property, used and useful, for the service and convenience of the public in North Dakota?
3. What rates and charges are necessary to provide a just and reasonable rate of return on MDU's property, used and useful, for the service and convenience of the public in North Dakota?
4. Are MDU's rate schedules designed in such a manner that they result in a basis of charge to its customers that is just and reasonable without undue discrimination?
5. Whether the electric service agreement should be approved.

On February 21, 2024, an informal hearing with the Commission was held.

On March 26, 2024, MDU filed an agreement between MDU and Applied extending the Conditions Precedent deadline of March 31, 2024, included in the ESA, to May 31, 2024.

On April 29, 2024, the Commission held a work session to discuss the matter.

Discussion

1. The ESA allows Applied to take service under MDU's High Density Contracted Demand Response Rate 45. The facility is within MDU's service territory as provided for in the Service Area Agreement entered into by and between MDU and Dakota Valley Electric Cooperative in Case No. PU-23-272.
2. The ESA between MDU and Applied provides for the sale of all electric power required by Applied's high density data center to be located near MDU's Ellendale 345 kV substation near Ellendale, North Dakota. The ESA is in effect for an initial period of five years and may be extended for an additional period of five years subject to approval by the Commission and both parties.
3. The ESA proposes that MDU will charge or pass through certain transmission related charges, which will be credited to customers within the Transmission Cost Adjustment Rate 59.
4. The ESA also proposes that MDU retain 100% of the charges billed as a transaction charge on Applied's bill (margin) with any overearnings subject to the earnings-sharing provision instituted as part of the Settlement Agreement in MDU's last rate case (PU-22-194).
5. During the April 29, 2024, work session the Commission questioned MDU's retention of 100% of the margin and provided direction to return 70% of the margin in a manner consistent with the Order approving MDU's first electric service agreement with Applied Digital (then Applied Blockchain) in Case No. PU-22-371.
6. Having considered this matter the Commission finds that the ESA as modified by this Order results in just and reasonable rate without undue discrimination for the customer that provides MDU with an opportunity to collect a just and reasonable rate of return on its property used and useful for the service and convenience of the public in North Dakota and should be approved.

Order

The Commission Orders:

1. MDU's Electric Service Agreement with APLD-ELN-02 LLC is APPROVED except for MDU's proposal to retain 100% of the charges billed as a transaction charge on Applied's bill for a term of five years beginning May 23, 2024. After the initial five-year term, the contract must be filed with the Commission for review and approval.

2. MDU shall refund to customers 70% of the charges billed as a transaction charge on Applied's bill back to North Dakota customers as a credit in the Fuel and Purchased Power Adjustment Rate 58 in a manner consistent with the Order issued on June 6, 2023, in Case No. PU-22-371.

3. The sales volumes, investment and costs associated with providing electric service to Applied under Rate 45 shall be excluded from the jurisdictional allocation calculations. To the extent that the jurisdictional allocations are impacted by Applied's Rate 45 sales volumes, investment, or costs, MDU shall not seek regulatory recovery for the resultant change in the jurisdictional allocations. If MDU is required to update its jurisdictional allocation calculations by another state based upon the direct impact of Applied sales volumes, investment, and costs, MDU shall defend the position to exclude Applied in the jurisdictional allocation calculation, but is not precluded from making a filing with the Commission to request a change in the jurisdictional allocation factors or amend the ESA if ordered by another state.

4. If Applied no longer takes electric service from MDU, MDU will not seek regulatory recovery of the cost, to the extent the incremental costs exceed the salvage value, to disconnect and remove the facilities used to serve Applied.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
My Renewable Energy Credits (My RECs) Rider
Tariff and Rates

Case No. PU-24-76

M O T I O N

May 23, 2024

I move the Commission adopt the Order in Otter Tail Power Company, My Renewable Energy Credits (My RECs) Rider, Tariff and Rates, Case No. PU-24-76.

RF

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
My Renewable Energy Credits (My RECs) Rider
Tariff and Rates**

Case No. PU-24-76

ORDER

May 23, 2024

Preliminary Statement

On February 14, 2024, Otter Tail Power Company (OTP) filed an application for approval of a new My Renewable Energy Credits (My RECs) Rider.

On March 5, 2024, the Commission issued a Notice of Opportunity for Hearing providing until April 19, 2024, to receive comments or requests for hearing. No comments or requests were received.

The Notice stated that the issues to be considered in the proceeding are:

1. Are the proposed tariff revisions just and reasonable?
2. Do the proposed rates comply with the tariff?
3. Are the proposed rates just and reasonable?

The Notice stated that, if appropriate, the Commission can determine the matter without a hearing.

On April 29, 2024, the Commission held an Informal Hearing to discuss the application with OTP.

On May 2, 2024, an amendment to the application was filed by OTP.

Discussion

The proposed voluntary My RECs Rider provides nonresidential customers with over 20 kW of measured demand the option to purchase OTP's excess Renewable Energy Credits (RECs) at a per kWh charge and a monthly customer charge to cover administrative costs. The customer has the option to participate in the My RECs Rider at 50%, 75%, or 100% of their usage. The rate for this filing can be summarized as follows:

CUSTOMER CHARGE	
Customer Charge per Month:	\$1.28

ENERGY CHARGE		
Energy Charge All Consumption per kWh:		
50% My RECs Option	0.08021	¢/kWh
75% My RECs Option	0.12031	¢/kWh
100% My RECs Option	0.16042	¢/kWh

The rates will be based on the price calculated annually for Small Power Production (SPP) rates, which calculates annual pricing for OTP's RECs. OTP plans to file an annual update to the My RECs Rider in the Annual Update to the Cogeneration and SPP Rates filing updating both the customer and energy charges.

The My RECs Rider will be open to eligible customers on a first come, first served basis, and will have an initial participation cap of 600,000 MWh, equivalent to 600,000 RECs that OTP will retire. The participation capacity limit will be updated on an annual basis based on the customers' annual kWh usage and level of participation. A customer will participate for a 12-month period after which the service will be either automatically renewed or cancelled as determined by the participant.

Order

The Commission Orders:

Otter Tail Power Company's My Renewable Energy Credits Rider tariff and rates, filed February 14, 2024, are approved.

PUBLIC SERVICE COMMISSION

		
Sheri Haugen-Hoffart Commissioner	Randy Christmann Chair	Julie Fedorchak Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Applied Digital 2nd Office - Dickey County
Public Convenience & Necessity

Case No. PU-23-320

M O T I O N

May 23, 2024

I move the Commission adopt the order in Montana-Dakota Utilities Co., Applied Digital 2nd Office - Dickey County, Public Convenience and Necessity, Case No. PU-23-320.

AR

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Applied Digital 2nd Office - Dickey County
Public Convenience & Necessity

Case No. PU-23-320

ORDER

May 23, 2024

On November 17, 2023, Montana-Dakota Utilities Company, an electric public utility, filed an application under Chapter 49-03, N.D.C.C. to extend service to the Applied Digital Corporation at a location in Dickey County, North Dakota.

On December 13, 2023, the Commission issued a Notice of Opportunity for Hearing (Notice) in this proceeding. The Notice provided if no objections were received by **January 24, 2024**, the application would be granted as requested. No objections have been received.

Order

The Commission Orders:

1. Montana-Dakota Utilities Company is issued Certificate of Public Convenience and Necessity, Certificate Number 5991, authorizing the provision of electric distribution service to Applied Digital Corporation at a point located in the NE 1/4 of the SE 1/4 of Section 4, TWP 129N, R63W, Dickey County, North Dakota.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 5991

This is to certify that public convenience and necessity require, and permission is granted for Montana-Dakota Utilities Co., to serve Applied Digital Corporation in the NE 1/4 of the SE 1/4 of Section 4, Township 129N, Range 63W, Dickey County, North Dakota.

This certificate is issued in accordance with the Order of this Commission dated May 23, 2024 in Case No. PU-23-320, and is subject to the conditions and limitations noted in the Order.

This certificate is conditioned upon Montana-Dakota Utilities Co. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

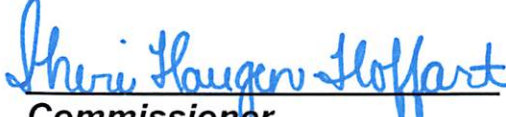
Bismarck, North Dakota, May 23, 2024.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Applied Digital 2nd Data Processing Extension
Public Convenience & Necessity**

Case No. PU-23-321

M O T I O N

May 23, 2024

I move the Commission adopt the order in Montana-Dakota Utilities Co., Applied Digital 2nd Data Processing Extension, Public Convenience and Necessity, Case No. PU-23-321.

AR

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 5990

This is to certify that public convenience and necessity require, and permission is granted for Montana-Dakota Utilities Co., to serve Applied Digital Corporation in the NE 1/4 of the SE 1/4 of Section 4, Township 129N, Range 63W, Dickey County, North Dakota.

This certificate is issued in accordance with the Order of this Commission dated May 23, 2024, in Case No. PU-23-321, and is subject to the conditions and limitations noted in the Order.

This certificate is conditioned upon Montana-Dakota Utilities Co. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, May 23, 2024.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Badger Wind, LLC
Amend-Badger Wind Project-Logan & McIntosh
Siting Application**

Case No. PU-24-87

M O T I O N

May 23, 2024

I move the Commission issue a Notice of Public Hearing in Badger Wind LLC,
Amend-Badger Wind Project-Logan & McIntosh, Siting Application, Case No. PU-24-87.

RF

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Badger Wind, LLC
Amend-Badger Wind Project-Logan & McIntosh
Siting Application

Case No. PU-24-87

NOTICE OF PUBLIC HEARING

A **Public Hearing** on the application in Case No. PU-24-87 is scheduled for **July 11, 2024, at 9:00 a.m. Central Time at the Wishek Civic Center, 715 1st Avenue South, Wishek, ND 58495.**

On February 23, 2024, in Case No. PU-24-87, Badger Wind, LLC filed an application for an amended certificate of site compatibility No. 64 to construct an up-to 251.6 MW wind facility consisting of up to 93 wind turbine generators and associated facilities in Logan and McIntosh Counties, North Dakota (Project).

The issues to be considered in this proceeding are:

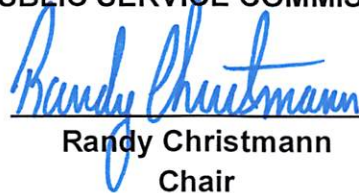
1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

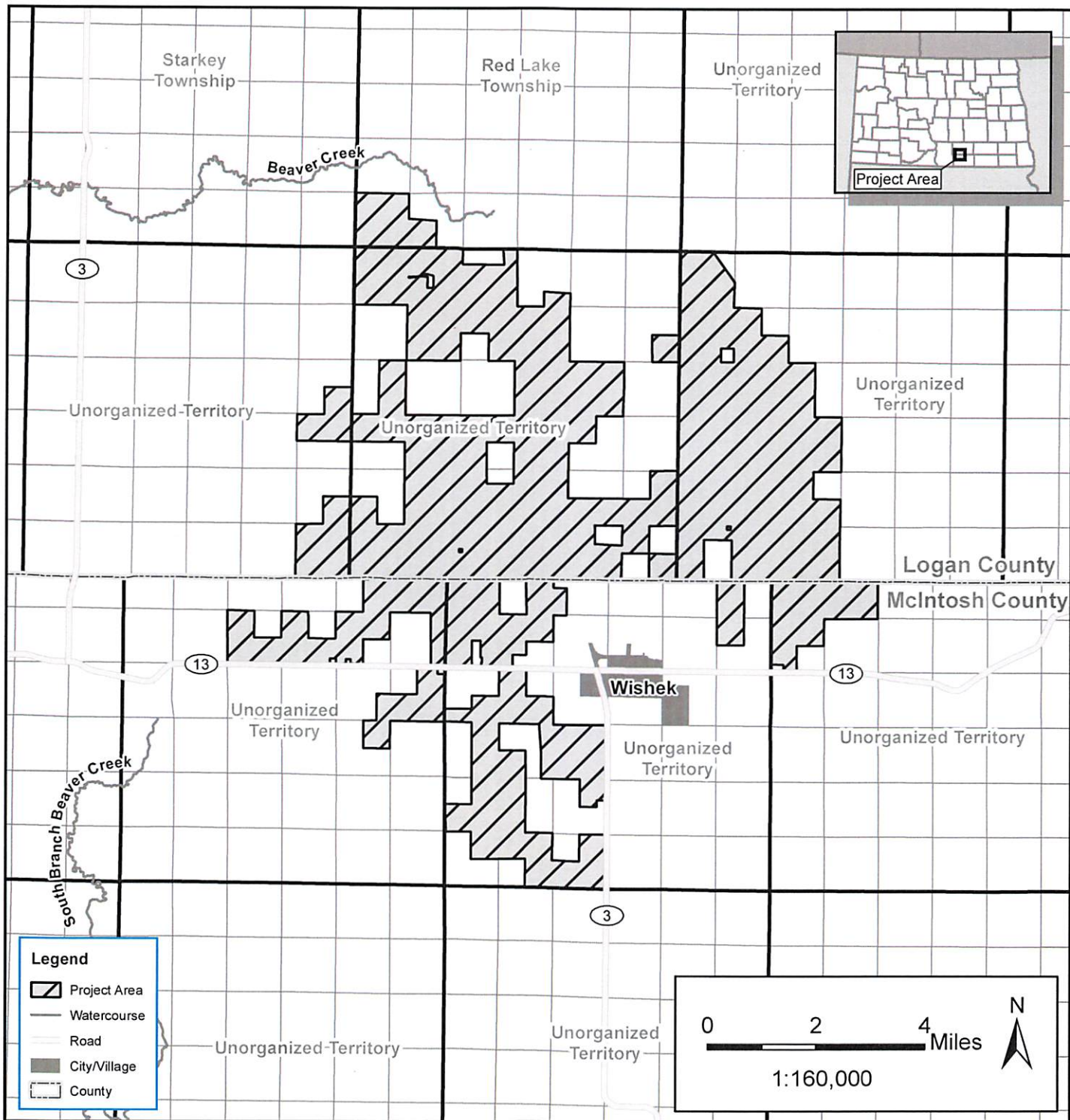
Issued: May 23, 2024

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner



Badger Wind Project

Logan and McIntosh Counties, North Dakota

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Northern States Power Company
AMI Self-Reading Tariff Modifications
Tariff

Case No. PU-24-180

M O T I O N

May 23, 2024

I move the Commission suspend the tariff and issue a Notice of Opportunity for Hearing in Northern States Power Company, AMI Self-Reading Tariff Modifications, Tariff, Case No. PU-24-180.

AR

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
AMI Self-Reading Tariff Modifications
Tariff

Case No. PU-24-180

NOTICE OF OPPORTUNITY FOR HEARING

On May 3, 2024, Northern States Power Company (NSP) filed an application for approval of a tariff modification to NSP's Electric Rate Book. The tariff modification will address NSP's obligations related to allowing a customer to self-read their meters. The new Advanced Metering Infrastructure meters, which are expected to be fully deployed by the end of 2025, are not equipped to permit customers to self-read them.

The issues to be considered in this proceeding are:

1. Whether the proposed tariff changes are reasonable, and
2. Whether the tariff changes should be approved.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. **Comments and requests for hearings must be received by July 5, 2024.** If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

Issued: May 23, 2024

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner

APPROVED
DATE: 05/23/2024
EJG

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Matt Geiger (Lake Etta Estates) – Dawson, ND
Public Convenience & Necessity

Case No. PU-24-169

M O T I O N

May 23, 2024

I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Matt Geiger (Lake Etta Estates) – Dawson, ND, Public Convenience & Necessity, Case No. PU-24-169.

GRS

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Matt Geiger (Lake Etta Estates) – Dawson, ND
Public Convenience & Necessity

Case No. PU-24-169

NOTICE OF OPPORTUNITY FOR HEARING

On May 13, 2024, Montana-Dakota Utilities Co., an electric public utility, filed an application under North Dakota Century Code Chapter 49-03 to extend service to the Matt Geiger (Lake Etta Estates) at a location in Kidder County, North Dakota.

Submitted with the application was a statement by Matt Geiger that he desires electric service to be provided by the applicant. Service is to be provided at a point located in:

Section 27, Twp 139N, R 72W, Kidder County, North Dakota.

Montana-Dakota Utilities Co. has made a prima facie showing that it should serve the customer.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. **Comments and requests for hearings must be received by June 17, 2024.** If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

Issued: May 23, 2024

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner