

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

**Dakota Natural Gas, LLC
Cost of Gas 2025
Tariff Monthly Adjustments**

Case No. PU-25-014

**Dakota Natural Gas, LLC
Cost of Gas 2026
Tariff Monthly Adjustments**

Case No. PU-26-014

Public Service Commission,	)	
Complainant,	)	
	)	
vs.	)	
	)	
Dakota Natural Gas, LLC,	)	Complaint
Respondent.	)	

The Public Service Commission of North Dakota (Commission), by and through Advocacy Staff (Staff), for its complaint against Dakota Natural Gas, LLC (Dakota Gas), alleges and shows the following:

I

Dakota Natural Gas, LLC (Dakota Gas) is a registered North Dakota limited liability company with offices located at 1900 Cardinal Lane, Fairbault, Minnesota 55021. They provide natural gas service to areas located in Trail and Pembina Counties, North Dakota.

II

North Dakota Century Code (N.D.C.C.) 28-32-22 provides:

Unless otherwise prohibited by specific statute or rule, informal disposition may be made of any adjudicative proceeding, or any part or issue thereof, by stipulation, settlement, waiver of hearing, consent order, default, alternative dispute resolution, or other informal disposition, subject to agency approval. Any administrative agency may adopt rules of practice or

procedure for informal disposition if such rules do not substantially prejudice the rights of any party. Such rules may establish procedures for converting an administrative matter from one type of proceeding to another type of proceeding.

North Dakota Century Code (N.D.C.C.) 49-05-01 provides:

Complaint may be made by the commission on its own motion, or by any person or association, by petition or complaint in writing, setting forth any fact or thing done or omitted to be done by any public utility, including any rule, regulation, or rate established or fixed by or for any public utility, in violation or claimed violation of any provision of law or any order or rule of the commission.

North Dakota Century Code (N.D.C.C.) 49-07-01.1 provides:

Any person who violates any statute, commission order, or commission rule which applies to matters within the authority of the commission under chapters 8-08, 8-09, 8-10, 24-09, 32-25, and 51-05.1, titles 60 and 64, and title 49 except for chapters 49-22 and 49-23, shall, in addition to any other penalty provided, be subject to a civil penalty of not to exceed five thousand dollars. A violation occurring under chapter 49-23, in addition to any other penalty, is subject to a civil penalty not to exceed twenty-five thousand dollars. The commission shall develop policies for the assessment of penalties under chapter 49-23 which will take into consideration the severity of damages and the conduct of the offender. The civil penalty may be compromised by the commission. The amount of the penalty when finally determined or agreed upon in compromise, if not paid, may be recovered in a civil action in the courts of this state.

North Dakota Administrative Code (N.D.A.C.) section 69-02-04-05 provides:

In any proceeding in which the commission is authorized to act after opportunity for hearing, opportunity is afforded by service of notice fixing a reasonable period of time within which any person desiring to be heard may file a protest or request for a hearing. If a protest or request for hearing is not filed within the time provided, the commission may dispose of the matter on the basis of the pleadings, other submittals, and the studies and recommendations of the staff. A party not requesting oral hearing in the party's pleading is deemed to have waived a hearing for the purpose of the decision, but not for the purpose of applying for rehearing with respect to the decision. If a person requests a hearing but does not show good cause, the commission may determine the matter without a hearing.

North Dakota Administrative Code (N.D.A.C.) section 69-09-01-30(1) provides:

As used in this section, the term "automatic adjustment clause" means a tariff provision that provides for increases or decreases, or both, without prior hearing, in rates reflecting increases or decreases, or both, in gas supply costs incurred by a natural gas utility.

North Dakota Administrative Code (N.D.A.C.) section 69-09-01-30(7) provides:

Notice of change in the adjustment must be filed with the commission prior to billing. The notice must include:

- a. Workpapers calculating the adjustment;
- b. Copies of applicable pipeline tariffs and an explanation of regulatory approval status;
- c. A history of the balancing account since the last surcharge update; and
- d. To the extent possible, an explanation of market and other factors causing the change.

III

On September 23, 2020, in Case No. PU-20-246, the Commission entered an Order requiring Dakota Gas to annually file a report with the Commission providing detailed financials and supporting information (Provision 3 of the Order).

On January 27, 2025, the Commission received a cost of gas supply adjustment (Adjustment) notice for service on and after January 1, 2025. Dakota Gas submits these notices as required by N.D.A.C. section 69-09-01-30(7).

On February 10, 2025, the Commission received an Adjustment notice for service on and after February 1, 2025.

On June 26, 2025, the Commission received Adjustment notices for services on and after March 1, 2025; April 1, 2025; May 1, 2025; and June 1, 2025.

On July 8, 2025, the Commission received an Adjustment notice for service on and after July 1, 2025.

On December 9, 2025, the Commission received Adjustment notices for services on and after August 1, 2025; September 1, 2025; October 1, 2025; November 1, 2025; and December 1, 2025.

On February 23, 2026, the Commission received Adjustment notices for services on and after January 1, 2026, and February 1, 2026.

IV

Dakota Gas submitted every Adjustment notice in 2025 (i.e., a total of 12) after billing customers. For 2026, Dakota Gas submitted its January and February Adjustment notices after billing customers. As of the date this complaint was issued, Dakota Gas had not submitted its Adjustment notices for March through September 2026.

Additionally, Dakota Gas has not annually submitted detailed financials and supporting documentation as required by Ordering Provision 3 of the Order dated September 23, 2020, in Case No. PU-20-246.

V

Based on these facts, Staff concluded that Dakota Gas violated N.D.A.C. section 69-09-01-30(7) when it:

1. Filed all 2025 Adjustment notices and January and February 2026 Adjustment notices after billing customers.
2. Neglected to file its March through September 2026 Adjustment notices after billing customers.

Furthermore, Staff concluded that Dakota Gas violated the Commission's September 23, 2020, Order in Case No. PU-20-246 by not filing several annual detailed financials and supporting documentation.

VI

The Respondent must serve an answer to this complaint upon the Commission within twenty days after service of the complaint, or the Commission may deem the complaint to be admitted. Answers must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Prayer for Relief

Based on the foregoing, Staff seeks the following relief:

1. That the Commission find Dakota Natural Gas, LLC in violation of N.D.A.C. section 69-09-01-30(7) for either filing its cost of gas supply adjustment notices after billing customers or simply not providing notices for the period effective January 1, 2025, through September 1, 2026.
2. That the Commission find Dakota Natural Gas, LLC in violation of the Order in Case No. PU-20-24 for not providing several annual detailed financials and supporting documentation.
3. That the Commission impose an appropriate civil penalty up to \$15,000, but at least \$10,000.
4. Such other relief that the Commission finds just and proper.

Dated this 4th day of September, 2026

Travis Dale Iversen (ND Bar ID No. 08815)
Special Assistant Attorney General
600 E Boulevard Ave Dept. 408
Bismarck, ND 58505-0480
701-328-7942
Attorney for Advocacy Staff

and

Adam Renfandt
Public Utility Analyst
600 E Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
701-328-3397
Public Service Commission Advocacy Staff