

December 14, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 14, 2016, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of November 30, December 7, 2016, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Blaster Certification
Approval

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

Applicant	Affiliation	Certificate No.
Eric Kuntz	Freedom Mine	16-11-392
Michael Marshall	Freedom Mine	16-11-393
Catherine Kolden	BNI Coal, Ltd.	16-11-394
Tyrell Murrey	BNI Coal, Ltd.	16-11-395
Jack Kraft	Beulah Mine	16-11-396
Ryan Gilbertson	Beulah Mine	16-11-397

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-16-761
Brett Evan Meyers
Auctioneer
License Application

Ms. Fedorchak: I move the Commission approve the auctioneer license application for Brett Evan Meyers, Galesburg, North Dakota, effective January 1, 2017.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-16-762
Crary Real Estate
Auction Clerk
License Application

Ms. Fedorchak: I move the Commission approve the auction clerk license application for Crary Real Estate, Grand Forks, North Dakota, effective January 1, 2017.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-696
Basin Electric Power Cooperative
345 kV Trans. Line - Mercer, Dunn,
McKenzie, Williams
Siting Application

Ms. Fedorchak: I move the Commission acknowledge Commission staff approvals issued October 10, 2016 and December 1, 2016 of transmission line structure relocations in Basin Electric Power Cooperative, 345 kV Transmission Line, Mercer, Dunn, McKenzie, Williams, Siting Application, Case No. PU-11-696.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-840
Montana-Dakota Utilities /
Otter Tail Power Co.
345kV Transmission Line –
Dickey County
Siting Application

Ms. Fedorchak: I move the Commission approve Applicants' Tree and Shrub Mitigation Plan in Montana-Dakota Utilities Co. / Otter Tail Power Company, 345 kV Transmission Line – Dickey County, Siting Application, Case No.

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

Case No. PU-16-207
Montana-Dakota Utilities Co.,
a Division of MDU
Williams County McGregor Dam -
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., Williams County McGregor Dam – Williams County, Public Convenience & Necessity, Case No. PU-16-207.

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

Case No. PU-16-255
Arthur Langved
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Arthur Langved, Damage Prevention Enforcement, Case No. PU-16-255

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

Case No. PU-16-677
Otter Tail Power Company
Brady and Bethany Homan –
Ramsey 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, Brady and Beth Homan – Ramsey County, Public Convenience & Necessity, Case No. PU-16-677.

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

Case No. PU-16-756
Montana-Dakota Utilities Co.,
a Division of MDU
Dakota Access, LLC
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Dakota Access, LLC, Public Convenience & Necessity, Case No. PU-16-756.

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

Case No. PU-16-753
Savage Bakken Connector, Inc.
10-Inch Crude Pipeline Project -
Williams County
Siting Application

HOLD OVER

Commission Reorganization

Ms. Fedorchak: I move that Commission portfolios be allocated as follows, effective January 1, 2017:

Commissioner Christmann – Business Operations (IT, Budget, HR, Legal), Coal Mining and Reclamation, Abandoned Mine Lands, Grain Licensing, Auctioneers and Clerks, Telecommunications.

Commissioner Kalk – Gas and Electric Economic Regulation, Energy Conversion Siting, Pipeline Safety and Damage Prevention, Weights and Measures.

Commissioner Fedorchak – Transmission Pipeline Siting, Railroads, Consumer Affairs, Electric Transmission Siting.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Commission Reorganization

Ms. Fedorchak: I move that Commissioner Christmann serve as Chairman of the Public Service Commission for the next two years, effective January 1, 2017.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-16-547
Coyote Creek Mining Company, L.L.C.
Notice of Violation No. 1601
Violation

Mr. Christmann: I move the Commission adopt an order to affirm Notice of Violation No. 1601 issued to Coyote Creek Mining Company, LLC at the Coyote Creek Mine, and acknowledge cancellation of the informal conference that was scheduled in the matter, and close the case.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-686
Griggs County Telephone
Co./Midcontinent Comm.
Interconnection Agreement
Application

Mr. Christmann: I move the Commission adopt the Order on Interconnection Agreement in Griggs County Telephone Co./Midcontinent Communications, Interconnection Agreement, Application, Case No. PU-16-686.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-69
Meadowlark Wind I, LLC
New Frontier Wind Energy Project -
McHenry County
Siting Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Meadowlark Wind I, LLC, New Frontier Wind Energy Project - McHenry County, Siting Application, Case No. PU-11-69.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-799
Central Specialties, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Central Specialties, Inc., Damage Prevention Enforcement, Case No. PU-15-799.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-19
Northern States Power Company
Customer Credit - DOE Settlement
2014 - 2016
Application

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in Northern States Power Company, Customer Credit – DOE Settlement 2014 – 2016, Application, Case No. PU-16-19.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-624
Otter Tail Power Company
Transmission Facility Cost Recovery
(2017)
Rates

Mr. Kalk: I move the Commission adopt the Order on Transmission Facility Cost Recovery Rates, Otter Tail Power Company, Transmission Facility Cost Recovery (2017), Rates, Case No. PU-16-624.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-658
Northern States Power Company
Transmission Facility Cost Recovery
(2017)
Rates

Mr. Kalk: I move the Commission adopt the Order on Transmission Facility Cost Recovery Rates, Northern States Power Company, Transmission Facility Cost Recovery (2017), Rates, Case No. PU-16-658.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Organization of MISO States Board of
Directors Designation

Mr. Kalk: I move the Commission designate Commissioner Julie Fedorchak to represent the North Dakota Public Service Commission on the Board of Directors of the Organization of MISO States, Inc. (OMS).

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

New Hire - Accountant/Budget
Specialist III

Ms. Fedorchak: I move the Commission acknowledge the offer to and acceptance of Jill Steinwand to fill Position No. 5004, Accountant/Budget Specialist III, effective January 1, 2017, under the terms specified in the December 14, 2016 written offer of employment.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Reclassification - Position # 5005

Ms. Fedorchak: I move the Commission acknowledge the reclassification of position number 5005 to Gas Pipeline Safety Inspector, effective January 1, 2017.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Reclassification - Position #28866

Ms. Fedorchak: I move the Commission acknowledge the reclassification of position number 28866 to Gas Pipeline Safety Inspector/Program Manager, effective January 1, 2017.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

PSC Travel and Reimbursement Policy
6-13-16 (0)

Ms. Fedorchak: I move the Commission adopt Travel and Reimbursement Policy Number 1 07 82 (6) to replace Policy Number 1-07-82 (5), Travel.

PUBLIC SERVICE COMMISSION

TRAVEL AND REIMBURSEMENT

POLICY 1-07-82 (6) December 14, 2016

A. PURPOSE

This policy identifies the process that must be followed by employees traveling on Commission business.

B. POLICY

Division directors are responsible for authorizing and monitoring all in-state and out-of-state travel of division personnel and ensuring that all such travel is consistent with the division's mission and within budget.

Division directors are required to notify the Executive Secretary of out-of-state travel plans prior to purchasing airfare. When providing the required notice, an employee must also provide a copy of the agenda. An employee may not be on travel status for more than five working days per trip without prior approval.

Employees are required to provide the Commission and the Executive Secretary with a written travel summary within 15 days of their return from the out-of-state trip. No further trips will be permitted until the required report is filed.

Public Service Commission will reimburse staff for reasonable and appropriate expenses when directly related to the transaction of state business.

Weekend Travel

Weekend travel is not encouraged unless it is required due to the conference/meeting itinerary. If weekend travel is not required by the conference/meeting itinerary, the employee will be responsible for the employee's out-of-pocket expenses for the weekend days. Exceptions will be considered if earlier departure results in a substantial savings for the agency. Approval for weekend reimbursement must be obtained in advance of travel.

Motion Continued

Day Before/Day After Travel

When traveling the day before a conference, an employee should take the last reasonable flight out to reach their destination. When returning from a conference, an employee is to take the earliest reasonable flight available.

Conference Registration Fees & Airline Tickets

Registration fees & airfare are allowable pre-paid expenses on the agency purchasing card. An approved out-of-state travel form must be completed prior to prepayment of these expenses. The Executive Secretary will identify the employees who will be designated to prepay airfare on the department purchasing card.

Travel Advances

Travel advances may only be given when an employee is in travel status in excess of 5 days per month. For more information on travel advances, please contact accounting staff or the Executive Secretary. These funds must also be reflected on the travel voucher subsequent to the dates traveled.

Reimbursement

An employee may claim reimbursement for travel by completing and signing a Travel Expense Voucher form. This form must also be signed by the employee's division director or Executive Secretary before the form is submitted to accounting staff. The form must be accompanied by necessary original receipts to support expenses. All Travel Expense Vouchers must be turned into the accounting staff within 30 days of the authorized travel.

A state employee whose location of employment is the Bismarck/Mandan area, but chooses to live outside of the area will for travel purposes be treated as though residing within the Bismarck/Mandan area. Requests for lodging while attending workshops and conferences in Bismarck/Mandan will not be honored unless the employee's normal location of employment is not Bismarck/Mandan.

Motion Continued

Reimbursement for conference registration fees paid by an employee may be claimed on a Travel Expense Voucher, but if any meals were part of the registration fee those meals cannot be claimed on the expense voucher. Also, if the hotel or other lodging provides a complimentary hot breakfast with multiple options the breakfast meal cannot be claimed. An exception may be permitted if a request for an exception is submitted in writing with a reasonable explanation.

The department's P-card should be used for prepaying conference registration fees, lodging and airline charges whenever possible. Airline tickets should be purchased at the most cost effective amount for the agency. If an employee is approved to use a personal credit card, the employee can be reimbursed immediately for the cost of the airline ticket only by using the Travel Expense Voucher form.

Airfare Ticket Discounts

The State of ND is participating in a discount program for Delta flights booked using the "Delta EDP Link". There is a self-service link accessed through the PeopleSoft Employee Hub but employees can also take advantage of the discount when booking through a travel agent. Using the discount program consists of accessing a special

Delta link via PeopleSoft in order for the discount to apply. If you access delta.com from your internet browser, you will NOT receive the discount. The reservation must occur through People Soft. If you are using a travel agent, be sure to tell the agent that you are part of the state's EDP program to receive the discount. This airfare discount may be taken on both work and personal travel.

Cancellations/Airline Credit Vouchers

An employee may not keep airline credit vouchers (reduced price or other credit vouchers) for personal use if department funds were used to purchase the airfare.

1. Airfare Originally Purchased by the Public Service Commission:

When an airline ticket is purchased using the PSC P-card, the ticket price is later reduced or the trip is cancelled, and a credit voucher is issued to the employee, it is the responsibility of the employee to notify both accounting and the employee's division director of the credit within two weeks of the travel dates.

2. Airfare Originally Purchased by the Employee:

Motion Continued

When an airline ticket is purchased by a staff member and the ticket price is reduced, a credit voucher may be issued to the employee. In addition, if an employee needs to cancel the trip, it is the employee's responsibility to contact either the airline or travel agency to seek the credit voucher and notify accounting of the cancellation immediately. The cancellation fee can be reimbursed on a travel voucher along with an explanation of the cancellation.

The employee has two options when requesting reimbursement for the airline ticket purchased by the employee:

1. The employee may request reimbursement for the airfare on the Travel Expense Voucher and provide the employee's division director or Executive Secretary with a copy of the credit voucher to be used for the employee's future department travel; or
2. The employee may choose to not request reimbursement for the airfare and use the credit for personal use.

Air Travel for In-State Siting Hearings

For in-state air travel for statutorily mandated siting hearings held within the county of the proposed infrastructure, the PSC may contract with ND DOT to use the state plane and other private vendors in accordance with procurement rules.

The Commission defined the following variables to consider:

1. Distance from Capitol
2. Length of Hearing
3. Contract attorneys and ALJs traveling

Luggage

An employee travelling on state business will be reimbursed for the first piece of checked luggage. A receipt is required for reimbursement of this charge. A credit card statement will not suffice as a luggage receipt. Fees for additional checked luggage or overweight luggage will only be reimbursed if a written justification of a business-related purpose is provided. The justification must be written in sufficient detail to permit determination of the business-related purpose and must also be signed by the Executive Secretary.

Use of Personal Vehicle

State employees shall use a state-owned vehicle whenever possible, unless exempted under section N.D.C.C. Section 24-02-03.3 or approved by the employee's immediate supervisor. If an employee is allowed to use a personal vehicle, reimbursement will be made according to the State Fleet sedan rate in effect at time of travel.

This policy assumes that, generally, personal vehicles are used for out-of-state travel for reasons of personal convenience. Reimbursement will follow OMB policy except that the mileage reimbursement rate will be at the State Fleet sedan rate in effect at time of travel.

Mileage

In-city mileage can be reimbursed at the state rate for an employee to attend or assist with conferences/meetings. OMB policy allows mileage from a normal workstation to a conference/meeting to be reimbursed only if an employee actually reports to work prior to attendance of the meeting. Mileage for travel from an employee's residence directly to the conference/meetings is not reimbursable since it is considered normal commute travel.

For auditing purposes, a thorough explanation of in-city mileage is required on the Travel Expense Voucher form in the "Purpose of Travel and Explanation of Expenses" section.

Non-Reimbursable Expenses

- Expenses for personal/non-business related stops
- Mileage to attend holiday luncheons and retreats
- Mileage from home to the airport or vice versa; unless an employee reports to the office first or returns to the office from the airport prior to going home
- Meals included in the registration fee
- Vehicle lock-out fees
- Tips/Gratuity
- Car Rental Expense unless preapproved with justification
- Airline insurance
- First class airfare
- Lodging incidentals: movies, snacks, laundry service, etc.
- Alcohol
- Any other personal, non-business related expenses

Motion Continued

- C. GUIDANCE:
- D. APPLICABILITY: All eligible employees
- E. EFFECTIVE DATE:
- F. NON-COMPLIANCE:
- G. EXPLANATORY NOTE: N.D.C.C. 44-08-04, N.D.C.C. 44-08-04.2, and N.D.C.C. 54-06-09,
- H. REVISION DATES: PSC Minutes, January 12, 1982; March 6, 1996; May 10, 2000; November 8, 2000; February 12, 2004; November 2, 2005; December 14, 2016

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:40 A.M.


Executive Secretary


JULIE FEDORCHAK, CHAIRMAN