

June 16, 2017

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on June 16, 2017, 10:00 a.m. Present were Commissioners Christmann, Fedorchak and Kroshus.

Minutes

Mr. Christmann: I move the minutes of May 31, 2017 be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-17-243
J. K. Kinsey
Auctioneer
License Application

Mr. Christmann: I move the Commission approve the auctioneer license application for J. K. Kinsey, Baker, Montana.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-122
Oliver Wind III, LLC
230 kV Transmission Line –
Oliver & Morton
Siting Application

Mr. Christmann: I move the Commission approve Oliver Wind III, LLC's Tree and Shrub Mitigation Plan filed June 12, 2017 in Oliver Wind III, LLC, 230 kV Transmission Line – Oliver & Morton, Siting Application, Case No. PU-16-122 and Oliver Wind III, LLC, Oliver III Wind Energy Center – Oliver & Morton, Siting Application, Case No. PU-16-123.

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
Siting Application

Case No. PU-11-692
Basin Electric Power Cooperative
345/230 kV Transmission Line -
Williams County
Siting Application

Mr. Christmann: I move the Commission execute a two-year extension amendment to its contract with Keitu Engineers & Consultants, Inc. for construction inspection services, Basin Electric Power Cooperative, 345/230 kV, transmission line - Williams County, Case No. PU-11-692.

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. Christmann: I move the Commission approve the tree and shrub sampling plan filed in Meadowlark Wind I, LLC, New Frontier Wind Energy Project - McHenry County, Siting Application, Case No. PU-11-69.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-162
Otter Tail Power Company
CenturyLink Communications, LLC -
Richland County
Public Convenience & Necessity

Mr. Christmann: I move the Commission adopt the Order on Certificate of Public Convenience and Necessity in Otter Tail Power Company, CenturyLink Communications, LLC - Richland County, Public Convenience & Necessity, Case No. PU-17-162.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-17-99
Otter Tail Power Company
ND Soybean Processors, LLC -
Stutsman County
Public Convenience & Necessity

Mr. Christmann: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, ND Soybean Processors, LLC – Stutsman County, Public Convenience & Necessity, Case No. PU-17-99.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-17-182
Montana-Dakota Utilities Co.,
a Division of MDU
Dean Glaseman - Logan County
Public Convenience & Necessity

Mr. Christmann: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Dean Glaseman – Logan County, Public Convenience & Necessity, Case No. PU-17-182.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. GE-17-119
FBN CM LLC
Roving Grain Buyer - San Carlos, CA
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-17-119 granting the request of FBN CM LLC of San Carlos, California to operate as a roving grain buyer in North Dakota.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. GE-17-237
Direct Grain, Inc.
License No. 1150 - Wyndmere, ND
Suspension

Mr. Christmann: I move the Commission, under North Dakota Century Code section 60-02-09.1, adopt the Order Suspending Warehouse License Number 1150 of Direct Grain, Inc. at their Wyndmere, North Dakota warehouse, effective May 31, 2017, for lack of adequate bond, and issue a Notice of Opportunity to be Heard in Case No. GE-17-237.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-17-123
Montana-Dakota Utilities Co.,
a Division of MDU
Natural Gas System –
Ransom & Sargent Counties
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order issuing Certificate of Public Convenience and Necessity Number 5903 in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Natural Gas System – Ransom and Sargent Counties, Public Convenience & Necessity, Case No. PU-17-123

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-17-144
Montana-Dakota Utilities Co.,
a Division of MDU
Gas Transportation –
Clark Equipment Company
Service Agreement(s)

Mr. Kroshus: I move the Commission adopt the Order in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Gas Transportation – Clark Equipment Company, Service Agreement(s), Case No. PU-17-144

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-226
Montana-Dakota Utilities /
Roughrider Electric
City of Beulah
Service Area Agreement

Mr. Kroshus: Believing that there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law or fact, I move the Commission consolidate for hearing, under North Dakota Administrative Code section 69-02-04-04, Montana-Dakota Utilities / Roughrider Electric Cooperative, Inc., City of Beulah, Service Area Agreement, Case No. PU-17-226 and Montana-Dakota Utilities / Roughrider Electric Cooperative, Inc., City of Beulah – Service Area Agreement, Public Convenience & Necessity, Case No. PU-17-227.

Case No. PU-17-227
Montana-Dakota Utilities Co.,
a Division of MDU Re
City of Beulah –
Service Area Agreement
Public Convenience & Necessity

I further move the Commission assess a filing fee of \$10,000, issue a Notice of Filing and Notice of Opportunity For Consolidated Hearing in the joint application of Montana-Dakota Utilities Company and Roughrider Electric Cooperative, for approval of an electric service area agreement and the resulting issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by Montana-Dakota Utilities Company and Roughrider Electric Cooperative within and around the city of Beulah, North Dakota, Case Nos. PU-17-226 and PU-17-227.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-228
Montana-Dakota Utilities /
Roughrider Electric
City of Belfield
Service Area Agreement

Case No. PU-17-229
Montana-Dakota Utilities Co.,
a Division of MDU
City of Belfield –
Service Area Agreement
Public Convenience & Necessity

Mr. Kroshus: Believing that there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law or fact, I move the Commission consolidate for notice of hearing, under North Dakota Administrative Code section 69-02-04-04, Montana-Dakota Utilities/Roughrider Electric, City of Belfield, Service Area Agreement, Case No. PU-17-228 and Montana-Dakota Utilities Co., A Division of MDU Resources Group Inc., City of Belfield - Service Area Agreement, Public Convenience & Necessity, Case No. PU-17-229.

I further move the Commission assess a filing fee of \$10,000 and issue a Notice of Filing and Notice of Opportunity For Consolidated Hearing in the joint application of Montana-Dakota Utilities Co. and Roughrider Electric Cooperative for approval of an electric service area agreement and the resulting issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by MDU and Roughrider within and around the city of Belfield, North Dakota, Case Nos. PU-17-228 and PU-17-229.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-17-230
Montana-Dakota Utilities /
Roughrider Electric
City of South Heart
Service Area Agreement

Case No. PU-17-231
Montana-Dakota Utilities Co.,
a Division of MDU
City of South Heart –
Service Area Agreement
Public Convenience & Necessity

Mr. Kroshus: Believing there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law or fact, I move the Commission consolidate for hearing under North Dakota Administrative Code Section 69-02-04-04, Montana-Dakota Utilities/Roughrider Electric, City of South Heart, Service Area Agreement, Case No. PU-17-230, and Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., City of South Heart – Service Area Agreement, Public Convenience & Necessity, Case No. PU-17-231.

I further move the Commission assess a filing fee of \$10,000 and issue a Notice of Filing and Notice of Opportunity For Consolidated Hearing in the joint application of Montana-Dakota Utilities Co. and Roughrider Electric Cooperative for approval of an electric service area agreement and the resulting issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by MDU and Roughrider within and around the city of South Heart, North Dakota, Case Nos. PU-17-230 and PU-17-231.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-17-232
Montana-Dakota Utilities /
Roughrider Electric
City of Hazen
Service Area Agreement

Case No. PU-17-233
Montana-Dakota Utilities Co.,
a Division of MDU
City of Hazen –
Service Area Agreement
Public Convenience & Necessity

Mr. Kroshus: Believing there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law or fact, I move the Commission consolidate for hearing under North Dakota Administrative Code Section 69-02-04-04, Montana-Dakota Utilities/Roughrider Electric, City of Hazen, Service Area Agreement, Case No. PU-17-232, and Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., City of Hazen – Service Area Agreement, Public Convenience & Necessity, Case No. PU-17-233.

I further move the Commission assess a filing fee of \$10,000 and issue a Notice of Filing and Notice of Opportunity For Consolidated Hearing in the joint application of Montana-Dakota Utilities Co. and Roughrider Electric Cooperative for approval of an electric service area agreement and the resulting issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by MDU and Roughrider within and around the city of Hazen, North Dakota, Case Nos. PU-17-232 and PU-17-233.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-666
Montana-Dakota Utilities Co.,
a Division of MDU
2016 Electric Rate Increase
Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order approving settlement agreement in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., 2016 Electric Rate Increase, Application, Case No. PU-16-666.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Christmann: I move the Commission appoint Sara Cardwell as advocacy staff for the Investigation opened May 31, 2017 and the Order to Show Cause adopted May 31, 2017 in Dakota Access, LLC, Dakota Access Pipeline Project, Siting Application, Case No. PU-14-842.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Christmann: I move the Commission authorize the Public Utilities Division Director to approve the Tree and Shrub Replacement Plan, upon a satisfactory showing of compliance with the Commission's January 20, 2016 Finding of Fact, Conclusions of Law and Order, in Dakota Access, LLC, Dakota Access Pipeline Project, Siting Application, Case No. PU-14-842.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-96
Otter Tail Power Company
Minn-Kota Ag Products Inc. –
Richland County
Public Convenience & Necessity

Mr. Christmann: I move the Commission retain Zachary Pelham effective May 25, 2017 to provide legal services to assist the Commission in processing Otter Tail Power Company, Minn-Kota Ag Products Inc., Richland County, Public Convenience & Necessity, Case No. PU-17-96.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Salary Adjustment

Mr. Christmann: In recognition of Position No. 5001, having completed the conditions of hire as indicated in the letter of hire dated September 17, 2015. I move that the Commission grant a salary increase effective June 1, 2017 as specified in the memorandum dated June 1, 2017.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Transition to .75 FTE

Mr. Christmann: I move the Commission authorize the transition of Position 5012 from a full time equivalent to a .75 FTE effective July 3, 2017, based on a schedule determined by the Commission.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Transition to FTE Equivalent

Mr. Christmann: I move the Commission authorize the transition of Position 29455 from temporary to full time equivalent effective July 3, 2017.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:38 A.M.


Executive Secretary


RANDY CHRISTMANN, CHAIRMAN