

April 11, 2019

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on April 11, 2019, 10:01 a.m. Present were Commissioners Kroshus, Fedorchak and Christmann.

Minutes

Mr. Kroshus: I move the minutes of March 27, 2019, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-120
Northern States Power Company
Advance Prudence - 1,550 MW Wind
Generation
Application

Mr. Kroshus: I move the Commission issue an application fee refund in the amount of \$35,278.94 in Northern States Power Company, Advance Prudence – 1,550 MW Wind Generation, Application, Case No. PU-17-120.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-372
Northern States Power Company
Advance Prudence - 302.4 MW Dakota
Range Wind
Application

Mr. Kroshus: I move the Commission issue an application fee refund in the amount of \$37,501.22 in Northern States Power Company, Advance Prudence – 302.4 MW Dakota Range Wind, Case No. PU-17-372.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-199
Public Service Commission
Diamond Willow Energy LLC
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on February 26, 2019, states a *prima facie* case, and serve the Complaint on the Respondent in Public Service Commission, Diamond Willow Energy, LLC, Damage Prevention Enforcement, Case No. PU-18-199.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-364
Northern States Power Company
Transmission Facility Cost Recovery
(2019)
Rates

Mr. Kroshus: I move the Commission issue an application fee refund in the amount of \$9,854.50 in Northern States Power Company, Transmission Facility Cost Recovery (2019), Rates, Case No. PU-18-364.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-381
Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc.
Renewable Resource Cost Recovery
Tariff and Rates

Mr. Kroshus: I move the Commission issue an application fee refund in the amount of \$9,678.63 in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Renewable Resource Cost Recovery, Tariff and Rates, Case No. PU-18-381.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-662
 Allele Clean Energy, Inc.
 100 MW Clean Energy #1 Wind Pjc -
 Mercer & Morton
 Siting Application

Mr. Kroshus: I move the Commission approve the site plan access road shifts filed January 22, 2019 in ALLETE Clean Energy, Inc., 100 MW Clean Energy #1 Wind Pjc – Mercer & Morton, Siting Application, Case No. PU-11-662.

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

Case No. PU-13-848
 North Dakota Pipeline Company, LLC
 24-Inch Crude Oil Pipeline - Sandpiper
 Project
 Siting Application

Mr. Kroshus: I move the Commission approve the tree and shrub mitigation plan filed January 18, 2019, and the tree and shrub mitigation plan addendum filed March 14, 2019, in North Dakota Pipeline Company, LLC, 24-Inch Crude Oil Pipeline – Sandpiper Project, Siting Application, Case No. PU-13-848.

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

Case No. PU-19-107
 Allele Clean Energy, Inc.
 100 MW Clean Energy #1 Wind Pjc -
 Mercer & Morton
 Siting Application

Mr. Kroshus: Having been informed by Allele Clean Energy, Inc., that the name of the energy conversion facility has been changed, I move the Commission issue Third Amended Certificate of Site Compatibility Number 30 in ALLETE Clean Energy, Inc., 100 MW Clean Energy #1 Wind Pjc – Mercer & Morton, Siting Application, Case No. PU-19-107.

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

Compliance Division
 Grain Warehouse and Grain Buyer
 Update

Mr. Kroshus: I move the Commission acknowledge the issuance of the following new grain warehouse licenses, all of which became effective during the month of March 2019.

GRAIN WAREHOUSE LICENSES

Business Name	Location	Capacity (bu.)	Effective Date
Viterra USA LLC	Northgate	498,000	3/1/2019
Legacy Cooperative	Cando	1,726,000	3/26/2019
Legacy Cooperative	Egeland	750,000	3/26/2019

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

Compliance Division
Auctioneer and Auction Clerk Update

Mr. Kroshus: I move the Commission acknowledge the issuance of the following new auction licenses, all of which became effective during the month of March 2019.

AUCTIONEER LICENSES

Auctioneer Name	Location	Effective Date
Scott B Phelps	Grafton, ND	3/5/2019

AUCTION CLERK LICENSES

Auction Clerk Name	Location	Effective Date
Burdell Johnson	Tuttle, ND	3/6/2019

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

Case No. PU-18-346
Public Service Commission
ONEOK Rockies Midstream, L.L.C.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, ONEOK Rockies Midstream, L.L.C., Damage Prevention Enforcement, Case No. PU-18-346; and Public Service Commission, ONEOK Rockies Midstream, L.L.C., Damage Prevention Enforcement, Case No. PU-18-349.

Case No. PU-18-349
Public Service Commission
ONEOK Rockies Midstream, L.L.C.
Damage Prevention Enforcement

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

Case No. PU-18-368
Northern States Power Company
Renewable Resource Cost Recovery
(2019)
Rates

Hold Over

Case No. PU-19-85
ONEOK Bakken Pipeline, L.L.C.
12-Inch NGL Pipeline - McKenzie
County
Siting Application

Ms. Fedorchak: I move the Commission deem complete the combined application for a corridor certificate and a route permit and issue a Notice of Filing and Public Hearing in ONEOK Bakken Pipeline, L.L.C., 12-Inch NGL Pipeline – McKenzie County, Siting Application, Case No. PU-19-85.

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

Case No. RC-18-393
Coteau Properties Company
Renewal 3 to Permit NACT-0201
Approval

Mr. Christmann: I move the Commission approve Renewal No. 3 to Surface Coal Mining Permit No. NACT-0201, held by The Coteau Properties Company for the Freedom Mine, to extend the permit term on the existing permit area for another five years, until April 14, 2024.

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

Case No. RC-18-394
Coteau Properties Company
Revision 22 to Permit NACT-0201
Approval

Mr. Christmann: I move the Commission approve Revision No. 22 to Surface Coal Mining Permit No. NACT-0201 held by The Coteau Properties Company for the Freedom Mine, to identify the next five year coal removal areas and update mining and reclamation plans and other sections of the permit for the next permit term.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-19-78
Public Service Commission
2019 Exploratory Drilling AML Project
Project

Mr. Christmann: I move the Commission execute Contract AM-811-19 with Agapito Associates, Inc. in the amount of \$366,890 for drilling and other services for the 2019 Exploratory Drilling AML Project at abandoned underground coal mines.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-19-79
Public Service Commission
2019-2020 Sinkhole Filling AML Project
Project

Mr. Christmann: I move the Commission execute a Contract AM-808-19 with Earthworm Excavating in the amount of \$199,996.26 for filling sinkholes caused by abandoned underground coal mines in western North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-19-109
Cando Farmers Grain & Oil
Cooperative, Inc.
Grain Warehouse
Discontinue Business

Mr. Christmann: I move the Commission adopt the Order Granting Request to Discontinue Business in Cando Farmers Grain & Oil Cooperative, Inc., Grain Warehouse, Discontinue Business, Case No. GE-19-109.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-19-111
Northwood Bean Co., Inc.
License No. 1136 - Northwood, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt the Order Granting Request to Discontinue Business in Northwood Bean Co., Inc., License No. 1136 - Northwood, ND, Discontinue Business, Case No. GE-19-111.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-355
Public Service Commission
Liberty Resources LLC
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission appoint Victor Schock and John Schuh as advocacy staff effective March 25, 2019, in Public Service Commission, Liberty Resources LLC, Damage Prevention Enforcement, Case No. PU-18-355.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

New Hire - General Counsel

Mr. Kroshus: I move the Commission acknowledge the offer to and acceptance of John M. Schuh to fill Position No. 4996, General Counsel effective June 3, 2019, under the terms specified in the March 15, 2019 written offer of employment.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Rehire - AML Seasonal Project Inspectors

Mr. Kroshus: I move the Commission acknowledge the hiring of James Thornburg and Christopher Brown for seasonal part-time employment as a Project Inspectors in the AML Division for a period of employment starting April 15, 2019 for Mr. Thornburg and June 17, 2019 for Mr. Brown and ending no later than November 30, 2019, each at a salary of \$26.00 per hour plus time and a half for hours worked in excess of the standard 40 hour work week.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Extension of Probation

Mr. Kroshus: I move the Commission acknowledge the extension of probation for position No. 24435, based on the personnel memorandum dated April 9, 2019.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.



Interim Executive Secretary



BRIAN KROSHUS, CHAIRMAN