

August 5, 2020

The Public Service Commission convened on August 5, 2020, 10:03 a.m. via teleconference under North Dakota Executive Order 2020-16 in response to the COVID-19 crisis in the United States.

Commissioners Kroshus, Fedorchak and Christmann attended in the Commission Hearing Room, State Capitol, Bismarck, North Dakota.

Minutes

Mr. Kroshus: I move the minutes of July 23, 2020, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-151
Otter Tail Power Company
AG Zone Properties, LLC - Barnes
County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Ag Zone Properties, LLC – Barnes County, Public Convenience & Necessity, Case No. PU-20-151.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-159
Otter Tail Power Company
Meter Readings Waiver
Approval

Moved to Page 2

Compliance Division
Auctioneer and Auction Clerk Update

Mr. Kroshus: I move the Commission acknowledge the issuance of the following new auction licenses, which became effective during the month of July 2020.

AUCTIONEER LICENSE

Auctioneer Name	Location	Effective Date
Christopher Gellner	Fargo, ND	7/6/2020
Jordan E. Mehlhaff	Eureka, SD	7/16/2020

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-87
Qwest Corporation
PIDs & PAP
Revision

Mr. Kroshus: I move the Commission bill Qwest Corporation \$607.37 for costs incurred to date in Qwest Corporation, PIDs & PAP, Revision, Case No. PU-20-87.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-306
Montana-Dakota Utilities Co.
Advance Prudence - Heskett 4
Application

Mr. Kroshus: I move the Commission adopt the Order on Settlement in Montana-Dakota Utilities Co., Advance Prudence – Heskett 4, Application, Case No. PU-19-306, Montana-Dakota Utilities Co. 88 MW Turbine - Heskett 4, Public Convenience & Necessity, Case No. PU- 19-307, and Montana-Dakota Utilities Co, Deferred Accounting – Lewis&Clark 1 Heskett 1 & 2, Application, Case No. PU-19-317.

Case No. PU-19-307
Montana-Dakota Utilities Co.
88 MW Turbine - Heskett 4
Public Convenience & Necessity

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

Case No. PU-19-317
Montana-Dakota Utilities Co.
Deferred Accounting - Lewis&Clark 1
Heskett 1 & 2
Application

Case No. PU-19-330
Public Service Commission
Wagner Construction, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-19-330, and further move the Commission adopt the Order on Consent Agreement in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-20-273.

Case No. PU-20-273
Public Service Commission
Wagner Construction, Inc.
Damage Prevention Enforcement

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

Case No. PU-20-344
Montana-Dakota Utilities Co.
Transmission Facility Cost Recovery
Rates

Mr. Kroshus: I move the Commission suspend the rate, reduce the filing fee to \$10,000 and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Transmission Facility Cost Recovery, Tariff and Rates, Case No. PU-20-344.

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

Case No. PU-20-159
Otter Tail Power Company
Meter Readings Waiver
Approval

Mr. Kroshus: Finding that a state of emergency has been declared to prevent and contain the spread of COVID-19, I move the Commission approve the July 23, 2020 request to extend, from July 31, 2020, to September 30, 2020, the suspension of meter readings at locations where the electric meter is located inside an inhabited structure, and authorize estimate meter reads for those locations, Otter Tail Power Company, Meter Readings Waiver, Approval, Case No. PU-20-159.

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

Case No. PU-16-94
BOE Pipeline, LLC
16-Inch Crude Oil Pipeline - Dunn and
McKenzie
Siting Application

Ms. Fedorchak: I move the Commission issue the Notice of Opportunity for Hearing in BOE Pipeline, LLC, 16-Inch Crude Oil Pipeline – Dunn and McKenzie, Siting Application, Case No. PU-16-94.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-102
Wilton Wind Energy I, LLC
49.5 MW Wind Energy Center - Wilton,
ND
Decommissioning Plan & Cost

Mr. Christmann: I move the Commission approve the parent guarantee filed on July 14, 2020, in Wilton Wind Energy I, LLC, 49.5 MW Wind Energy Center - Wilton, ND, Decommissioning Plan & Cost, Case No. PU-10-102.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-108
Wilton Wind Energy II, LLC
49.5 MW Wind Energy Center - Wilton,
ND
Decommissioning Plan & Cost

Mr. Christmann: I move the Commission approve the parent guarantee filed on July 1, 2020 in Wilton Wind Energy II, LLC, 49.5 MW Wind Energy Center - Wilton, ND, Decommissioning Plan & Cost, Case No. PU-10-108.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-20-39
Falkirk Mining Company
Revision 40, Permit NAFK-8405
Application

Mr. Christmann: I move the Commission approve Revision No. 40 to Surface Coal Mining Permit NAFK-8405 held by Falkirk Mining Company for the Falkirk Mine, to revise the post-mine topography, add mining plans for the S1/2 of Section 2, and update other mining and reclamation plans.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Policy 1-16-89 (4)
Open Records, Special Data Requests,
& Copying Charges

Mr. Kroshus: I move the Commission, adopt Policy 1-16-89 (4), Open Records, Special Data Requests, & Copying Charges.

PUBLIC SERVICE COMMISSION

OPEN RECORDS, SPECIAL DATA REQUESTS, & COPYING CHARGES

POLICY 1-16-89 (4)

August 5, 2020

A. PURPOSE

To establish guidelines to govern the public's access to Commission records. Commission recognizes that all government records and meetings are subject to open records requests under North Dakota Century Code ch.

Policy 1-16-89 (4)
Open Records, Special Data Requests,
& Copying Charges

44-04. This document outlines the procedures to follow to ensure requests are tracked and fulfilled in a timely and satisfactory manner.

B. DEFINITION OF RECORD

A "Record" includes all recorded information regardless of form that has a connection with how public funds are spent or with the public entity's performance of its governmental function or public business, regardless of format or location.

C. POLICY

1. Unless otherwise provided for by law, all Commission files and records are open to public inspection during normal business hours. Certain information may, however, be protected under procedures established in Chapters 38-14.1, 44-04, 47-25.1 or other areas of the North Dakota Century Code.
2. Requests for access to or for copies of files and records may be made via walk-in, phone, mail, email, or through the agency's website. Unless protected or redacted, requests will be fulfilled in a timely fashion. To expedite requests, you may encourage but not require the attached form be completed and submitted to ndpsc@nd.gov.
3. All public requests and releases of information shall be coordinated and tracked internally.
4. Upon receipt of a request for records, the recipient may not inquire into the motive of the request, ask for identification, or require a request to be made in writing or in person. However, this information may be volunteered by the requestor.
5. A request must reasonably identify existing records. If a request is unclear, clarification may be required. The recipient of the request may inquire into the best manner of which to provide the

Policy 1-16-89 (4)
Open Records, Special Data Requests,
& Copying Charges

records and encourage the requestor to access available documents on the agency website.

6. The Commission strives to fulfill all requests within a reasonable time by either providing the full record or providing the legal authority for denying the request. Certain records cannot be released and some may be withheld at the discretion of the agency. Legal counsel must approve a denial or redaction of records.
7. For physical access, a person examining a file or record shall be accompanied by a person designated by the Executive Secretary. Files and records may be removed from the Commission's offices only under a court order or while in the custody of an authorized employee or agent of the Commission.
8. The Commission may require payment for certain location, redaction, and actual costs of providing records. This does not include charging for organizing, scanning, counting or printing documents, or forwarding electronic documents. All charges are to be tracked and logged. Time must be logged in 15 minute increments.
9. In general, the following are allowable charges:
 - a. There is no charge for the first hour of locating. Any hours of locating thereafter is \$25 per hour.
 - b. There is no charge for the first hour of redacting. Any hours of redacting thereafter is \$25 per hour.
 - c. All standard letter or legal size paper copies are \$0.25 per page. Non-standard copies may be charge actual cost. This includes copies of electronic documents for the purpose of redaction.

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& Copying Charges

- d. Postage and items for mailing, such as stamps, zip drives, and disks are at actual cost.
 - e. If the nature or volume of the public records requested requires extensive use of information technology resources, the actual cost incurred by the public entity is determined by the Executive Secretary.
10. For large requests, good faith estimates will be compiled and sent to requestor before the records request is fulfilled. In the event that a requestor has an outstanding balance, documents may be withheld pursuant to a request until outstanding balances have been paid from prior requests.
11. In the event that five or more requests have been received from the same requestor within seven days, the public entity may treat the requests as one request in computing the time it takes to locate the records.
12. Record request charges may be waived if:
- a. The request involves less than \$25;
 - b. The request is from a government official or their agent who requires the information to carry out their official duties; or
 - c. Waiving the charges is determined to be in the best interest of the Commission.
13. Tracking Requests and Responses
- a. Record requests, billing, and responses to record requests are tracked by a person designated by the Executive Secretary. The designated person will

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Open Records, Special Data Requests,
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communicate the request to the
General Counsel and Executive
Secretary.

- b. If the records request is received via phone or in person, it must be recorded and provided to the designated person.

REFERENCES

- (0) PSC Minutes, January 4, 1989
- (1) PSC Minutes, August 16, 1989
- (2) PSC Minutes, November 6, 1996
- (3) PSC Minutes May 8, 2002
- (4) PSC Minutes August 5, 2020.

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

Note: The form referenced in the policy is found on the Commission's website at: www.psc.nd.gov under Contact Us.

Case No. PU-20-202
Public Service Commission
Damian Dvorak
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective July 16, 2020, in Public Service Commission, Damian Dvorak, Damage Prevention Enforcement, Case No. PU-20-202.

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

Policy 3-01-93
Employee Home Use of Computer
Software

Mr. Kroshus: I move the Commission revoke Policy 3-01-93, Employee Home Use of Computer Software.

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

Policy 4-04-00
Grain Inspections and Complaints

Mr. Kroshus: I move the Commission revoke Policy 4-04-00, Grain Inspections and Complaints.

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

ATTEST

THE COMMISSION ADJOURNED AT 11:43 A.M.



Executive Secretary



BRIAN KROSHUS, CHAIRMAN