

September 23, 2020

The Public Service Commission convened on September 23, 2020, 10:05 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 September 9, 2020, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-366
Montana-Dakota Utilities Co.
Phillip Porter - Kidder County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Phillip Porter – Kidder County, Public Convenience & Necessity, Case No. PU-20-366.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-614
Epping Transmission Company, LLC
12.75-Inch Crude Oil Pipeline -
Williams County
Siting Application

Mr. Kroshus: Since no trees or shrubs were removed during construction, I move the Commission issue a siting application fee final refund in the amount of \$5,250 in Epping Transmission Company, LLC, 12.75-Inch Crude Oil Pipeline – Williams County, Siting Application, Case No. PU-16-614.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-695
Targa Badlands LLC
8-Inch Crude Pipeline Project -
McKenzie County
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$67,361.79 in Targa Badlands LLC, 8-Inch Crude Pipeline Project – McKenzie County, Siting Application, Case No. PU-16-695.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-24
Hess North Dakota Pipelines LLC
Keene Oil Gathering System
Conversion - McKenzie
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$71,413.72 in Hess North Dakota Pipelines LLC, Keene Oil Gathering System Conversion – McKenzie, Siting Application, Case No. PU-18-24.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-280
Emmons-Logan Wind, LLC
Emmons-Logan Wind Energy Center -
Emmons & Logan
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$54,556.46 in Emmons-Logan Wind, LLC, Emmons-Logan Wind Energy Center – Emmons & Logan, Siting Application, Case No. PU-18-280.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-281
Emmons-Logan Wind, LLC
Emmons-Logan 230 kV Transmission
Line - Emmons
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$14,549.46 in Emmons-Logan Wind, LLC, Emmons-Logan 230kV Transmission Line – Emmons, Siting Application, Case No. PU-18-281.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-302
Burke Wind, LLC
Burke Wind Transmission Line - Burke
& Mountrail
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee final refund in the amount \$83,643.24 in Burke Wind, LLC, Burke Wind Transmission Line – Burke & Mountrail, Siting Application, Case No. PU-18-302.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-344
Burke Wind, LLC
Burke County Wind Energy Center -
Burke County
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee final refund in the amount \$65,804.39 in Burke Wind, LLC, Burke County Wind Energy Center – Burke County, Siting Application, Case No. PU-18-344.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-351
Aurora Wind Project, LLC
345 kV Transmission Line - Williams
and Mountrail
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$30,692.30 in Aurora Wind Project, LLC, 345 kV Transmission Line – Williams and Mountrail, Siting Application, Case No. PU-18-351.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-352
Aurora Wind Project, LLC
Aurora Wind Project - Williams County
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$56,697.80 in Aurora Wind Project, LLC, Aurora Wind Project – Williams County, Siting Application, Case No. PU-18-352.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-405
Belle Fourche Pipeline Company
6-inch Skunk Hill-DPR Pipeline
Conversion Project
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee final refund in the amount \$40,074.27 in Belle Fourche Pipeline Company, 6-inch Skunk Hill-DPR Pipeline Conversion Project, Siting Application, Case No. PU-18-405.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-204
Dakota Access, LLC
Dakota Access Pipeline Pump Station -
Emmons Cnty
Siting Application

Mr. Kroshus: I move the Commission execute a contract with Keitu Engineers & Consultants, Inc. for construction inspection services in Dakota Access, LLC, Dakota Access Pipeline Pump Station – Emmons Cnty, Siting Application, Case No. PU-19-204.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-368
ONEOK Bakken Pipeline, L.L.C.
16-Inch NGL Pipeline - Williams
County
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$12,447.33 in ONEOK Bakken Pipeline, L.L.C., 16-Inch NGL Pipeline – Williams County, Siting Application, Case No. PU-19-368.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-82
OE2 North LLC
B. Sanderson Gas Processing Plant -
Williams Cnty.
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee interim refund in the amount \$49,784.01 in OE2 North LLC, B. Sanderson Gas Processing Plant – Williams Cnty., Siting Application, Case No. PU-20-82.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-263
Dakota Prairie Refining, LLC
Amend Cert. No. 151, Permit No. 162
& 163
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee final refund in the amount \$9,919.36 in Dakota Prairie Refining, LLC, Amend Cert. No. 151, Permit No. 162 & 163, Siting Application, Case No. PU-20-263.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-301
FPL Energy Burleigh Cnty Wind /
Wilton Wind I
Transfer - Certificate #88 & Permit #98
Siting Application

Mr. Kroshus: I move the Commission adopt the Corrected Order in FPL Energy Burleigh County Wind / Wilton Wind I, Transfer - Certificate #88, Permit #98, Siting Application, Case No. PU-20-301.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-301
FPL Energy Burleigh Cnty Wind /
Wilton Wind I
Transfer - Certificate #88 & Permit #98
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee final refund in the amount \$9,954.10 in FPL Energy Burleigh Cnty Wind / Wilton Wind I, Transfer – Certificate #88 & Permit #98, Siting Application, Case No. PU-20-301.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-312
Public Service Commission
Northwest Grading, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on August 17, 2020, states a *prima facie* case, and serve the Complaint on the Respondent in Public Service Commission, Northwest Grading, Inc., Damage Prevention Enforcement, Case No. PU-19-312.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-95
Public Service Commission
NC3, 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 August 31, 2020, states a *prima facie* case, and serve the Complaint on the Respondent in Public Service Commission, NC3, LLC, Damage Prevention Enforcement, Case No. PU-20-095.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-96
Public Service Commission
NC3, 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 August 31, 2020, states a *prima facie* case, and serve the Complaint on the Respondent in Public Service Commission, NC3, LLC, Damage Prevention Enforcement, Case No. PU-20-096.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-244
Dakota Natural Gas, LLC
Natural Gas Facilities - Traill County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order issuing Certificate of Public Convenience and Necessity Number 5951 in Dakota Natural Gas, LLC, Natural Gas Facilities – Traill County, Public Convenience & Necessity, Case No. PU-20-244.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-245
Dakota Natural Gas, LLC
Gas Transportation - American Crystal
Sugar Co.
Tariff and Rates

Mr. Kroshus: I move the Commission adopt the Order in Dakota Natural Gas, LLC, Gas Transportation – American Crystal Sugar Co., Tariff and Rates, Case No. PU-20-245.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-246
Dakota Natural Gas, LLC
Natural Gas Service - Traill County
Tariff

Mr. Kroshus: I move the Commission adopt the Order in Dakota Natural Gas, LLC, Natural Gas Service – Traill County, Tariff, Case No. PU-20-246.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-335
Montana-Dakota Utilities Co.
Firm General Contracted Demand
Service
Tariff

Mr. Kroshus: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Firm General Contracted Demand Service, Tariff, Case No. PU-20-335.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-379
Montana-Dakota Utilities Co.
2020 Natural Gas Rate Increase
Application

Mr. Kroshus: I move the Commission suspend the tariff and rates in Montana-Dakota Utilities Co., 2020 Natural Gas Rate Increase, Application, Case No. PU-20-379.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-383
Otter Tail Power Company
Transmission Facility Cost Recovery
(2021)
Rates

Mr. Kroshus: I move the Commission suspend the rates and issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Transmission Facility Cost Recovery (2021), Rates, Case No. PU 20-383.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-194
Keith and Deanna Kessler
v. Minnesota Power, a division of
ALLETE, Inc.
Complaint

Ms. Fedorchak: I move the Commission adopt the Order on Motion for Partial Dismissal in Keith and Deanna Kessler v. Minnesota Power, a division of ALLETE, Inc., Complaint, Case No. PU-20-194.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

State Mining and Reclamation Award
2020 Award

Mr. Christmann: I move the Commission present the 2020 North Dakota Award for Excellence in Surface Coal Mining and Reclamation to the Coteau Properties Company Freedom Mine.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-20-157
Coteau Properties Company
Revision 42, Permit NACT-0401
Application

Mr. Christmann: I move the Commission conditionally approve Revision No. 42 to Surface Coal Mining Permit No. NACT-0401 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. RC-20-158
Coteau Properties Company
Renewal 3, Permit NACT-0401
Application

Mr. Christmann: I move the Commission approve Renewal No. 3 to Surface Coal Mining Permit No. NACT-0401, 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 September 26, 2025.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-311
Public Service Commission
USF Use Certification 47 CFR 54.314
(2021)
Compliance

Mr. Christmann: I move the Commission adopt the Order Certifying Use of Federal Universal Services Support in Public Service Commission, USF Use Certification 47 CFR 54.314 (2021), Compliance, Case No. PU-20-311.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-20-396
Western College of Auctioneering
Auction School Course Approval -
Online
Application

Mr. Christmann: I move the Commission adopt the Order Granting Request for Auction School Course Approval in Western College of Auctioneering, Auction School Course Approval – Online, Application, Case No. AU-20-396.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-379
Montana-Dakota Utilities Co.
2020 Natural Gas Rate Increase
Application

Mr. Kroshus: I move the Commission appoint Brian Johnson, Adam Renfandt and Victor Schock as advocacy staff in Montana-Dakota Utilities Co., 2020 Natural Gas Rate Increase, Application, Case No. PU-20-379.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:38 A.M.


Executive Secretary


BRIAN KROSHUS, CHAIRMAN