

October 7, 2020

The Public Service Commission convened on October 7, 2020, 10:02 a.m. via teleconference under North Dakota Executive Order 2020-16 in response to the COVID-19 crisis in the United States.

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

Commissioner Christmann authorized Charlene Magstadt to sign on his behalf.

Minutes

Mr. Kroshus: I move the minutes of September 23 and 29, 2020, be approved.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-127
Allele, Inc.
210MW Bison 4 Wind Project - Oliver
Cty
Siting Application

Mr. Kroshus: I move the Commission find that the tree and shrub mitigation is satisfactory and issue a siting application fee final refund in the amount of \$14,831.08 in Allele, Inc., 210MW Bison 4 Wind Project – Oliver Cty, Siting Application, Case No. PU-13-127.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-323
Otter Tail Power Company
Mike Striha - McHenry County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Mike Striha – McHenry County, Public Convenience & Necessity, Case No. PU-18-323.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-357
Public Service Commission
Darryl Duchsherer
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission close Public Service Commission, Darryl Duchsherer, Damage Prevention Enforcement, Case No. PU-19-357.

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 September 23, 2020 request to extend, from September 30, 2020 to December 31, 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.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-216
Otter Tail Power Company
Cody Beach - Stutsman County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Cody Beach – Stutsman County, Public Convenience & Necessity, Case No. PU-20-216.

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 issue an application fee refund in the amount \$9,914.02 in Dakota Natural Gas, LLC, Natural Gas Facilities – Traill County, Public Convenience & Necessity, Case No. PU-20-244.

Ms. Fedorchak: 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 issue an application fee refund in the amount \$9,914.02 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 issue an application fee refund in the amount \$9,914.03 in Dakota Natural Gas, LLC, Natural Gas Service – Traill County, Tariff, Case No. PU-20-246.

Ms. Fedorchak: 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 issue an application fee refund in the amount \$9,730.66 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-07-759
Northern States Power Company
Fargo - St. Cloud MN 345 KV CapX
Transmission Line
Siting Application

Mr. Kroshus: I move the Commission find that the tree and shrub mitigation may cease and issue a siting application fee final refund in the amount of \$15,001.25 in Northern States Power Company, Fargo – St. Cloud MN 345 kV CapX Transmission Line, Siting Application, Case No. PU-07-759.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-109
Vantage Pipeline US LP
Natural Gas Liquids Pipeline - Williams
and Divide
Siting Application

Mr. Kroshus: I move the Commission find that the tree and shrub mitigation is satisfactory and issue a siting application fee final refund in the amount of \$17,425.72 in Vantage Pipeline US LP, Natural Gas Liquids Pipeline – Williams and Divide, Siting Application, Case No. PU-11-109.

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

Case No. PU-11-620
Allele, Inc.
230 kV Transmission Line-
Mercer, Morton, Oliver Cty
Siting Application

Mr. Kroshus: I move the Commission find that the tree and shrub mitigation is satisfactory and issue a siting application fee final refund in the amount of \$7,500.65 in Allele, Inc., 230 kV Transmission Line – Mercer, Morton, Oliver Cty, Siting Application, Case No. PU-11-620.

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

Case No. PU-12-398
Great River Energy
230 kV Transmission Line-Grand Forks
- Devils Lake
Siting Application

Mr. Kroshus: I move the Commission find that the tree and shrub mitigation is satisfactory and issue a siting application fee final refund in the amount of \$2,269.90 in Great River Energy, 230 kV Transmission Line-Grand Forks – Devils Lake, Siting Application, Case No. PU-12-398.

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

Case No. PU-14-769
Meadowlark Midstream Co. / Epping
Transmission Co.
Little Muddy Creek Pipeline & Epping
Station Pjct
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 \$20,154.75 in Meadowlark Midstream Co. / Epping Transmission, Little Muddy Creek Pipeline & Epping Station Pjct, Siting Application, Case No. PU-14-769.

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

Case No. PU-14-823
Meadowlark Midstream Company, LLC
10-inch Crude Oil Pipeline - Divide &
Burke Cnty
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 \$19,780.35 in Meadowlark Midstream Company, L.L.C., 10-inch Crude Oil Pipeline – Divide & Burke Cnty, Siting Application, Case No. PU-14-823.

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

Case No. PU-15-97
Bridger Pipeline LLC
16-inch Crude Oil Pipeline - Billings &
Stark
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 \$7,500.00 in Bridger Pipeline LLC, 16-inch Crude Oil Pipeline – Billings & Stark, Siting Application, Case No. PU-15-97.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-232
NST Express, LLC
12-inch Crude Oil Pipeline - McKenzie
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 \$14,704.00 in NST Express, LLC, 12-inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-232.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-397
Arrow Field Services, LLC
Arrow Bear Den Gas Processing Plant
II - McKenzie
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 \$14,675.00 in Arrow Field Services, LLC, Arrow Bear Den Gas Processing Plant II – McKenzie, Siting Application, Case No. PU-17-397.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-405
Plains Terminals ND /Eighty-Eight
Terminals ND LLC
Name Change – Corridor #191 &
Route #203
Siting Application

Mr. Kroshus: I move the Commission issue First Reissued Certificate of Corridor Compatibility Number 191 and First Reissued Route Permit Number 203 to Eighty—Eight Terminals North Dakota LLC, formerly known as Plains Terminals North Dakota LLC, in Plains Terminals ND / Eighty-Eight Terminals ND LLC, Name Change-Corridor #191 & Route #203, Siting Application, Case No. PU-20-405.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-406
Northern States Power Company
Transmission Facility Cost Recovery
(2021)
Rates

Mr. Kroshus: I move the Commission suspend the rate, assess a filing fee of \$10,000, and issue a notice of opportunity for hearing in Northern States Power Company, Transmission Facility Cost Recovery (2021), Rates, Case No. PU-20-406.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-364
FPL Energy Oliver Wind I, LLC / Oliver Wind I, LLC
Transfer - Certificate #92 & Permit #102
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order in FPL Energy Oliver Wind I, LLC / Oliver Wind I, LLC, Transfer – Certificate #92 & Permit #102, Siting Application, Case No. PU-20-364

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-381
NuStar Pipeline Operating Partnership L.P.
10" North System Pipeline Relocation - Cass County
Siting Application

Ms. Fedorchak: I move the Commission deem complete the combined application for a certificate of corridor compatibility and route permit, conditional on receiving the Stormwater Pollution Prevention Plan thirty days prior to the hearing, and issue a Notice of Filing and Public Hearing in NuStar Pipeline Operating Partnership L.P, 10" North System Pipeline Relocation - Cass County, Siting Application, Case No. PU-20-381.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-399
Cenex Pipeline, LLC
Amend Certificate #202 and Route Permit #212
Siting Application

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Cenex Pipeline, LLC, Amend Certificate #202 and Route Permit #212, Siting Application, Case No. PU-20-399

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-384
Public Service Commission
Randall's Excavating, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff, effective September 18, 2020, in Public Service Commission, Randall's Excavating, Inc., Damage Prevention Enforcement, Case No. PU-19-384.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Policies:
Policy 3-02-94 (2) Leave Sharing
Policy 1-09-95 (3) Meetings and Notices

Mr. Kroshus: I move the Commission, adopt Policy 3-02-94 (2) Leave Sharing and Policy 1-09-95 (3) Meetings and Notices.

PUBLIC SERVICE COMMISSION

LEAVE SHARING

POLICY 3-02-94 (2)

October 7, 2020

A. PURPOSE

To provide for the donation of accumulated annual and sick leave between state employees in accordance with 54-06-14.1 and 14.2, N.D.C.C.

Policies:
Policy 3-02-94 (2) Leave Sharing
Policy 1-09-95 (3) Meetings and
Notices

B. POLICY

The Public Service Commission will permit leave sharing as provided for by state law and administrative rules.

C. PROCEDURE

1. DONATION OF LEAVE

- a. When an eligible employee wishes to donate leave via the leave sharing program, the employee should forecast their leave balances in the Absence Management system. After determining the number of full-hour increments they want to donate, the employee should verify that the annual leave balance remaining is at least forty hours and that no more than 5% of their sick leave hours are being donated in a month.
- b. The employee should then choose an eligible employee or one from the State Leave Request list and complete SFN 19292. Provide the completed SFN 19292 to the Commission's payroll officer for verification.

2. Upon approval of the leave donation request by the executive secretary, the Commission's payroll officer shall submit the SFN 19292 to the receiving agency for approval. Once the signed copy is received back from the accepting agency the payroll officer will make the requested adjustment to the employees leave in the Absence Management system.

3. LEAVE DONATION REQUEST

- a. When an eligible employee wishes to apply for donated leave via the leave sharing program, the

Policies:
Policy 3-02-94 (2) Leave Sharing
Policy 1-09-95 (3) Meetings and
Notices

employee should first discuss the request with his or her immediate supervisor.

- b. The employee and supervisor will meet with the executive secretary to determine if specific conditions pursuant to NDCC 54-06-14.1 and 14.2 have been met.
- c. The employee should then contact the Commission's payroll officer to begin the process of requesting leave by completing SFN 58960 Leave Donation Request form. The employee will also determine whether they wish to be added to HRMS' Shared Leave Request List email.
- d. Upon approval of the request by the executive secretary, the Commission's payroll officer shall track and file leave donation requests separately from the regular employees annual and sick leave requests. Leave donation requests shall be monitored by the payroll officer to ensure that such donated leave is used for the purpose specified and not credited to the recipient so as to result in a cash payment upon the recipient's retirement or termination of employment.

REFERENCES

- (0) PSC Minutes, March 11, 1994
- (1) PSC Minutes, February 12, 2004
- (2) PSC Minutes, October 7, 2020

Policies:
Policy 3-02-94 (2) Leave Sharing
Policy 1-09-95 (3) Meetings and
Notices

PUBLIC SERVICE COMMISSION

MEETINGS AND NOTICES

POLICY 1-09-95 (3)

October 7, 2020

A. PURPOSE

To establish guidelines for providing public notice of Commission meetings. The guidelines are adopted to comply with Section 44-04-20 of the North Dakota Century Code.

B. POLICY

1. **Regular Meetings** - Regular meetings are established by filing an annual schedule of its upcoming meetings. Unless otherwise noticed or a quorum cannot be obtained, the Commission meets every other Wednesday at 10:00 a.m. in the Commission Hearing Room, Twelfth Floor, State Capitol, Bismarck, North Dakota. The proposed agenda for these meetings will be posted on the North Dakota Public Meeting Notices (Secretary of State) website, on the Public Service Commission's website and in the hallway leading into the Commission's offices on the Friday preceding the meeting. The agenda will be emailed to persons who annually submit a written request to be included on the agenda distribution list. Public documents relating to items on the agenda may be examined online at www.psc.nd.gov and click on Case Search or in the Commission's offices.

Items may be added to or removed from the agenda without further notice. The agenda, subsequent updates, corresponding minutes, and case information are also available via the Internet at the following address:

<https://www.psc.nd.gov/public/meetings/index.php>

Policies:
Policy 3-02-94 (2) Leave Sharing
Policy 1-09-95 (3) Meetings and
Notices

2. **Special or Emergency Meetings** - If matters arise that require expeditious attention, the Commission may convene a special or emergency meeting. Notice for these meetings will be posted on the North Dakota Public Meeting Notices (Secretary of State) website, on the Public Service Commission's website and in the hallway leading into the Commission's offices on the Friday preceding the meeting. The agenda will be emailed to persons, including the Public Service Commission's official newspaper, who annually submit a written request to be included on the agenda distribution list. Persons who are not on the regular distribution list may request a specific agenda by calling or writing the executive secretary. Public documents relating to items on the agenda may be examined online at www.psc.nd.gov and click on Case Search or in the Commission's offices. Requests for special or emergency meetings must be directed to the executive secretary and subsequently authorized by a majority of the Commission.

Work sessions and meetings other than regular meetings are categorized as special meetings for the purposes of this policy.

The topics at special meetings are limited to those included in the notice, including any topics that may be discussed if the Commission moves into executive session.

3. **Notice** – The notice must be prepared containing the date, time, and location of the meeting, the subject matter of any executive sessions expected to be held during the meeting, and, if practicable, the topics to be considered or agenda. "If practicable" means that the governing body must include in its notice a list of all topics the Commission expects to discuss at the time the notice is prepared.

Policies:
Policy 3-02-94 (2) Leave Sharing
Policy 1-09-95 (3) Meetings and
Notices

Each item should be specified as clearly as possible, to put the public and interested parties on notice of topics that may be discussed or decided. A higher specificity is required for a special meeting notice and cannot contain general terms that may have multiple meanings or "catch-all" phrases such as "new business."

For regular and special meetings, The Bismarck Tribune and the list of representatives of the news media which have requested notification must be notified.

4. **Webcast** – In general, regular meetings, special meetings, and other meetings discussing matters related to an open case are to be webcast. All others will not. The Commission may decide to depart from the general rule upon Commission request or technical difficulty.
5. **Special Needs** - Anyone requiring auxiliary aids or services, such as readers, signers, or Braille materials should notify the Commission's executive secretary at least one full business day prior to the meeting. The executive secretary can be contacted at (701) 328-2400 or through Relay North Dakota at 1-800-366-6888 TTY.
6. **Office Hours** - The Commission's office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.

REFERENCES

- (0) PSC Minutes, March 7, 1995
- (1) PSC Minutes, March 20, 1996
- (2) PSC Minutes, August 7, 1996
- (3) PSC Minutes, October 7, 2020

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

October 7, 2020

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ATTEST


Executive Secretary

THE COMMISSION ADJOURNED AT 11:25 A.M.


BRIAN KROSHUS, CHAIRMAN