

December 2, 2020

The Public Service Commission convened on December 2, 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 November 18, 2020, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-155  
Northern States Power Company  
Tax Reform Effects - Electric Utility  
Rates

Mr. Kroshus: I move the Commission approve the October 26, 2020 request to withdraw the request for a waiver of the Automatic Adjustment Clause rules, in Northern States Power Company, Tax Reform Effects – Electric Utility, Rates, Case No. PU-18-155.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-441  
Northern States Power Company  
2021 Electric Rate Increase  
Application

Mr. Kroshus: I move the Commission suspend the tariffs and rates in Northern States Power Company, 2021 Electric Rate Increase, Application, Case No. PU-20-441.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-764  
ONEOK Rockies Midstream, L.L.C.  
Demicks Lake Gas Processing Plant -  
McKenzie Cnty  
Siting Application

Mr. Kroshus: I move the Commission amend the contract with Keitu Engineers & Consultants, Inc. for consulting services in ONEOK Rockies Midstream, L.L.C., Demicks Lake Gas Processing Plant – McKenzie Cnty, Siting Application, Case No. PU-14-764.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-21  
ONEOK Rockies Midstream, L.L.C.  
Bear Creek Gas Plant Expansion -  
Dunn County  
Siting Application

Mr. Kroshus: I move the Commission amend the contract with Keitu Engineers & Consultants, Inc. for consulting services in ONEOK Rockies Midstream, L.L.C., Bear Creek Gas Plant Expansion – Dunn County, Siting Application, Case No. PU-18-21.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Blaster Re-Certification  
Approval

Mr. Kroshus: I move the Commission approve blaster re-certification for the following applicant:

<b>Applicant</b>	<b>Affiliation</b>	<b>Certificate No.</b>
Brant Hanson	Falkirk Mine	17-12-405-R(1)

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-426  
Northern States Power Company  
Renewable Resource Cost Recovery  
(2021)  
Tariff and Rates

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Northern States Power Company, Renewable Resource Cost Recovery (2021), Tariff and Rates, Case No. PU-20-426

Ms. Fedorchak: 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 adopt the Order on Continuing Suitability 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-18-399  
ONEOK Bakken Pipeline, L.L.C.  
20-Inch NGL Pipeline - McKenzie  
County  
Siting Application

Ms. Fedorchak: I move the Commission approve the Tree and Shrub Mitigation Plan filed on November 13, 2020, in ONEOK Bakken Pipeline, L.L.C., 20-Inch NGL Pipeline - McKenzie County, Siting Application, Case No. PU-18-399.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-18  
ONEOK Bakken Pipeline, L.L.C.  
Pump Station Additions - McKenzie &  
Dunn Counties  
Siting Application

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in ONEOK Bakken Pipeline, L.L.C., Pump Station Additions – McKenzie & Dunn Counties, Siting Application, Case No. PU-20-018

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-409  
Baldwin Wind, LLC / Baldwin Wind  
Energy, LLC  
Transfer - Certificate #16  
Siting Application

Ms. Fedorchak: I move the Commission adopt the order in Baldwin Wind, LLC / Baldwin Wind Energy, LLC, Transfer – Certificate #16, Siting Application, Case No. PU-20-409

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-100  
Minnkota Power Cooperative, Inc.  
Infinity Wind Generation Project  
Decommissioning Plan & Cost

Mr. Christmann: Upon finding good cause, and subject to the Commission retaining authority to require a decommissioning plan and cost estimate and financial assurance under North Dakota Administrative Code sections 69-09-09-06 and 69-09-09-08 in the future, I move the Commission grant a waiver of sections 69-09-09-06 and 69-09-09-08, and further move the Commission deny the request for waiver of North Dakota Administrative Code section 69-09-09-03, in Minnkota Power Cooperative, Inc., Infinity Wind Generation Project, Decommissioning Plan & Cost, Case No. PU-10-100.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-433  
Northern States Power Company  
Advance Prudence - 200 MW  
Heartland Divide Wind II  
Application

Mr. Kroshus: I move the Commission appoint Brian Johnson, Adam Renfandt and Victor Schock as advocacy staff in Northern States Power Company, Advance Prudence – 200 MW Heartland Divide Wind II, Application, Case No. PU-20-433

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

Case No. PU-20-441  
Northern States Power Company  
2021 Electric Rate Increase  
Application

Mr. Kroshus: I move the Commission appoint Brian Johnson, Adam Renfandt and Victor Schock as advocacy staff in Northern States Power Company, 2021 Electric Rate Increase, Application, Case No. PU-20-441.

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

Administrative Policy Updates  
Policy 3-18-10(2) Telecommuting  
Policy 1-05-93(2) Inspection Clothing  
and Equipment

Mr. Kroshus: I move the Commission adopt Policy 3-18-10(2), Telecommuting, and adopt Policy 1-05-93(2), Inspection Clothing and Equipment.

**PUBLIC SERVICE COMMISSION**

**TELECOMMUTING**

POLICY NO. 3-18-10(2)

December 2, 2020

**A. PURPOSE**

The purpose of this policy is to establish the Commission's requirements and guidelines for telecommuting.

**B. POLICY**

1. Objective: Teleworking allows employees to work at home, on the road, or in a satellite location for all or part of their work week. Teleworking is a major component of the New Work Place. Teleworking does not change the terms and conditions of employment with the State of North Dakota.
2. The New Workplace: With the goals of maximizing employee flexibility and retaining a reliable workforce, the agency will determine which positions

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and Equipment

would be required to work full-time or part-time in an on-site location. The New Workplace includes a variety of ways that Commission employees can telework, and may include:

- a. Home: Work is done exclusively from home. The employee does not have a designated physical location at a State of North Dakota facility.
- b. Hybrid: Work is done partly at a state facility and partly from home.
- c. Mobile / On the Go: Work is carried out on mobile devices and on the move. The workplace changes frequently.

3. Agreement: The director, employee and human resource department will review the following areas:

- a. Employee suitability: The employee, director, and Executive Secretary will assess the needs and work habits of the employee via a telecommute feasibility assessment to determine telework eligibility.
- b. Job responsibilities: The employee and director will discuss the job responsibilities and outcomes the employee will be expected to achieve.
- c. Equipment needs, workspace, and scheduling issues: The employee and director will review these needs during onboarding.

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- d. Tax and other legal implications: The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
  - e. Teleworking will include regular communication between the employee and the director.
  - f. The employee will establish an appropriate work environment within his or her home for work purposes. The agency will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, lighting, or repairs or modifications to the home office space.
  - g. The employee is responsible for providing their own internet access of sufficient speed to not hinder job performance and allow participation in virtual meetings, file uploads/downloads, and other job related computer activities.
4. Equipment: The Commission will supply necessary computer equipment necessary for the employee to carry out essential job functions. The employee will be responsible for providing their own equipment to facilitate internet access.

Commission and state policies relating to computer hardware and software

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and Equipment

usage applies in the teleworking arrangement unless otherwise specifically authorized by the division director.

Phone calls placed on behalf of the state may be placed through an approved state of North Dakota softphone or calling technology.

5. Security: Consistent with the Commission's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of confidential materials and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.
6. Safety: Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Workers compensation coverage will be provided for the employee while in the teleworking arrangement. However, the state assumes no liability for injuries occurring to the employee in their home. The employee may not allow members of the public, vendors or clients into their personal residence to conduct public business and is responsible for and assumes any liability for any injuries sustained by visitors to his or her work site. The employee must immediately report any accident or injury to the supervisor or designated staff member.  
Teleworking employees need to follow the same Commission requirements

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for a safe work environment with respect to proper ergonomics.

An employee who is teleworking is eligible to request an ergonomic assessment of their workplace to be arranged by the Commission's Risk Management program manager.

7. Time Worked: Telecommuting employees who are covered by the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the appropriate system used by the Commission. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in disciplinary action.
8. Other Items:
  - a. Inclement Weather: If the customary work site is closed due to an emergency or inclement weather, the designated staff person will contact the employee. The employee will continue to work at the telework site. If there is inclement weather or an emergency, such as a power outage, at the work site, the employee shall notify the supervisor or designated employee as soon as possible. Employees who are teleworking will be expected to work off-site when the office is closed during scheduled work hours.

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and Equipment

- b. Travel: Business travel reimbursable at travel and per diem rates set forth in the Commission's fiscal policy.
- c. Childcare: Teleworking is generally not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Teleworking employees are encouraged to discuss expectations of teleworking with family members.
- d. Extenuating Circumstances: If an employee who is teleworking is unable to work from the designated work site due to extenuating circumstances, the employee's supervisor will discuss with them an appropriate course of action.

#### REFERENCES

- (0) PSC Minutes June 30, 2010
- (1) PSC Minutes July 29, 2010
- (2) PSC Minutes December 2, 2020

#### **PUBLIC SERVICE COMMISSION**

#### **INSPECTION CLOTHING AND EQUIPMENT POLICY**

POLICY 1-05-93(2)

December 2, 2020

#### **A. PURPOSE**

Federal law dictates that certain minimum requirements be met concerning the use of safety equipment and

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Policy 1-05-93(2) Inspection Clothing  
and Equipment

clothing used by employees. This policy provides the basis for the Commission's commitment to meet these requirements. This policy also provides the basis for purchasing non-safety related uniforms that may be worn by inspection personnel.

#### B. POLICY

It is the policy of the Commission that during field inspection work, staff are expected to wear clothing and use equipment provided by the Commission to comply with federal Occupational Safety & Health Administration (OSHA) and Mine Safety & Health Administration (MSHA) regulations. Non-safety related uniforms may also be purchased by the Commission to clearly identify inspection personnel as official agents of the Commission or to protect personal clothing when inspections are made under adverse conditions.

All uniforms and safety equipment provided by the Commission are to be used only on the job and are not for personal use. Items must be returned to the Commission upon an employee's resignation, termination, or retirement unless authorized by the Division director.

Employees are responsible for keeping uniforms and equipment neat, clean, and in good repair. Worn or damaged items will be replaced as needed when presented to the division director for inspection and approval.

Purchases must be approved by the appropriate division director and must be made from within each division's operating budget unless otherwise approved by the Executive Secretary. The Commission may choose to provide only the safety equipment needed to comply with OSHA or MSHA regulations.

#### REFERENCES

- (0) PSC Minutes, December 8, 1993
- (1) PSC Minutes, October 4, 1995
- (2) PSC Minutes, December 2, 2020

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. I-20-244  
Public Service Commission  
988 FCC 20-100  
Compliance

Mr. Christmann: I move the Commission adopt the Order Requesting Waiver in Public Service Commission, 988 FCC 20-100, Compliance, Case No. I-20-244.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AD-20-455  
Public Service Commission  
Sixty-seventh Legislative Session  
(2021)  
Misc. Case

Mr. Kroshus: I move the Commission delegate to General Counsel and Executive Secretary the prefilings of bill drafts to Legislative Council for the Sixty-seventh Legislative Assembly of North Dakota.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:21 A.M.

  
\_\_\_\_\_  
Executive Secretary

  
\_\_\_\_\_  
BRIAN KROSHUS, CHAIRMAN