

December 16, 2020

The Public Service Commission convened on December 16, 2020, 10:04 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 December 2, 2020, be approved.

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 issue an application fee refund in the amount of \$124,062.65 in Montana-Dakota Utilities Co., Advance Prudence – Heskett 4, Application, Case No. PU-19-306.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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

Mr. Kroshus: I move the Commission issue an application fee refund in the amount of \$74,551.64 in Montana-Dakota Utilities Co., 88 MW Turbine – Heskett 4, Public Convenience & Necessity, Case No. PU-19-307.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-310  
Northern States Power Company  
Advance Prudence - 98.9 Mower Co.  
Wind Facility  
Application

Mr. Kroshus: I move the Commission issue an application fee refund in the amount of \$172,209.07 in Northern States Power Company, Advance Prudence – 98.9 Mower Co. Wind Facility, Application, Case No. PU-19-310.

Mr. Christmann: 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

Mr. Kroshus: I move the Commission issue an application fee refund in the amount of \$49,547.06 in Montana-Dakota Utilities Co., Deferred Accounting – Lewis&Clark 1 Heskett 1 & 2, Application, Case No. PU-19-317.

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 issue an application fee refund in the amount of \$9,642.89 in Montana-Dakota Utilities Co., Transmission Facility Cost Recovery, Rates, Case No. PU-20-344.

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 approve the tree and shrub mitigation plan as revised on November 24, 2020 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-17-97  
Cenex Pipeline, LLC  
10" Refined Fuels Pipeline  
Williams, Mountrail, Ward  
Siting Application

Mr. Kroshus: I move the Commission approve the Tree and Shrub Mitigation Plan filed on December 4, 2020, in Cenex Pipeline, LLC, 10" Refined Fuels Pipeline Williams, Mountrail, Ward, Siting Application, Case No. PU-17-97.

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

Mr. Kroshus: I move the Commission issue a siting application fee final refund in the amount of \$9,951.02 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-20-409  
Baldwin Wind, LLC / Baldwin Wind  
Energy, LLC  
Transfer - Certificate #16  
Siting Application

Mr. Kroshus: I move the Commission issue a siting application fee final refund in the amount of \$9,955 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. AM-19-79  
Public Service Commission  
2019-2020 Sinkhole Filling AML Project  
Project

Mr. Kroshus: I move the Commission close out Contract No. AM-808-19 with Earthworm Excavating for completion of construction services for the 2019-2020 Sinkhole Filling AML Project in Public Service Commission, 2019-2020 Sinkhole Filling AML Project, Project, PSC Case No. AM-19-79.

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

Case No. AM-20-183  
Public Service Commission  
2020 Williams Cnty Road 9 Phase 8  
Material Testing  
Project

Mr. Kroshus: I move the Commission close out Contract No. AM-828-20 with Material Testing Services, LLC. for completion of material testing services for the 2020 Williams County Road 9 Phase 8 Material Testing AML Project in Public Service Commission, 2020 Williams County Road 9 Phase 8 Material Testing, Project, PSC Case No. AM-20-183.

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

Case No. AM-20-181  
Public Service Commission  
2020 Williams County Road 9 Phase 8  
AML Project  
Project

Mr. Kroshus: I move the Commission close out Contract No. AM-829-20 with Terracon Consultants Inc. for completion of drilling and grouting services for the 2020 Williams County Road 9 Phase 8 AML Project in Public Service Commission, 2020 Williams County Road 9 Phase 8 AML Project, Project, PSC Case No. AM-20-181.

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

Case No. AM-20-182  
Public Service Commission  
2020 Noonan Foamed Sand AML  
Project  
Project

Mr. Kroshus: I move the Commission close out Contract No. AM-835-20 with Agassiz Concrete Pumping, LLC for completion of drilling, foamed sand and grout services for the 2020 Noonan Foamed Sand AML Project in Public Service Commission, 2020 Noonan Foamed Sand AML Project, Project, PSC Case No. AM-20-182.

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

Reorganization  
Commission Chairman

Mr. Christmann: I move that Commissioner Fedorchak serve as Chairman of the Public Service Commission for the next two years, effective January 1, 2021.

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

Reorganization  
Portfolio Allocation

Mr. Kroshus: I move the Commission portfolios be allocated as follows, effective January 1, 2021:

Commissioner Fedorchak

- Business Operations
- Siting
- Railroads
- Consumer Affairs
- MISO and OMS

Commissioner Christmann

- Coal Mining and Reclamation
- Abandoned Mine Lands
- Wind and Solar Reclamation
- Licensing: Auctioneers & Auction Clerks
- Telecommunications
- SPP

Commissioner Kroshus:

- Economic Regulation
- Pipeline Safety and Damage Prevention
- Weights and Measures

Ms. Fedorchak: 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 find the Complaint filed by the North Dakota Public Service Commission Advocacy Staff on September 21, 2020, states a *prima facie* case, and serve the Complaint on the Respondent in Public Service Commission, Randall's Excavating, Inc., Damage Prevention Enforcement, Case No. PU-19-384.

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

Case No. PU-20-201  
Public Service Commission  
SKS Construction LLP  
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, SKS Construction LLP, Damage Prevention Enforcement, Case No. PU-20-201.

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 adopt the Order on Interim Rates 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."

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

Mr. Kroshus: I move the Commission adopt the Order 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. GS-20-412  
Public Service Commission  
Northern States Power Company  
Pipeline Safety Enforcement

Mr. Kroshus: I move the Commission issue the Order on Notice of Probable Violation in Public Service Commission, Northern States Power Company, Pipeline Safety Enforcement, Case No. GS-20-412.

Ms. Fedorchak: 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 adopt the Order 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-20-441  
Northern States Power Company  
2021 Electric Rate Increase  
Application

Mr. Kroshus: I move the Commission adopt the Order on Interim 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-20-452  
Northern States Power Company  
Franchise Fee - Horace  
Tariff and Rates

Mr. Kroshus: I move the Commission approve the tariff and rates in Northern States Power Company, Franchise Fee – Horace, Tariff and Rates, Case No. PU-20-452

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-448  
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-20-448

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-110  
FPL Energy Oliver Wind II, LLC  
48.0 MW Wind Energy Center - Center,  
ND  
Decommissioning Plan & Cost

Mr. Christmann: I move the Commission approve the parent guarantee filed on November 18, 2020, which replaces the parent guarantee approved on July 23, 2020, in FPL Energy Oliver Wind II, LLC, 48.0 MW Wind Energy Center - Center, ND, Decommissioning Plan & Cost, Case No. PU-10-110.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-20-180  
Public Service Commission  
2020 Hettinger and Stark Counties  
AML Project  
Project

Mr. Christmann: I move the Commission amend Contract No. AM-827-20 with Dan Hart Patrol Service, LLC. to extend the contract until January 31, 2021 for the 2020 Hettinger and Stark Counties AML Reclamation Project, in Public Service Commission, 2020 Hettinger and Stark Counties AML Project, Project, PSC Case No. AM-20-180.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Authority Delegation  
Contract Signing

Mr. Kroshus: I move the Commission delegate contract signing authority to the Executive Secretary, General Counsel, and other individuals as set forth by Commission Policy.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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ATTEST

THE COMMISSION ADJOURNED AT 12:02 P.M.

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

  
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JULIE FEDORCHAK, CHAIR