

August 18, 2021

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 18, 2021, 9:59 a.m. Present were Commissioners Fedorchak, Christmann and Kroshus.

Minutes

Ms. Fedorchak: I move the minutes of August 4, 2021, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Compliance Division
Auctioneer and Auction Clerk Update

Ms. Fedorchak: I move the Commission acknowledge the issuance of the following new auction licenses, all of which became effective during the month of July 2021.

AUCTIONEER LICENSES

Auctioneer Name	Location	Effective Date
James Edward Berdal	Cooperstown, ND	7/5/2021
Jared R. Chambers	Corydon, IA	7/31/2021
Heidi Perry	Vale, SD	7/31/2021

AUCTION CLERK LICENSES

Auction Clerk Name	Location	Effective Date
James Edward Berdal	Cooperstown, ND	7/5/2021
Auction Partners LLC dba Resource Auction	Grand Forks, ND	7/30/2021

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-421
Public Service Commission
Knife River
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Knife River, Damage Prevention Enforcement, Case No. PU-20-421.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-101
Montana-Dakota Utilities Co.
Feb. 2021 Extreme Weather Event
Investigation

Ms. Fedorchak: I move the Commission close Montana-Dakota Utilities Co., Feb. 2021 Extreme Weather Event, Investigation, Case No. PU-21-101.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-102
Northern States Power Company
Feb. 2021 Extreme Weather Event
Investigation

Ms. Fedorchak: I move the Commission close Northern States Power Company, Feb. 2021 Extreme Weather Event, Investigation, Case No. PU-21-102.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-103
Dakota Natural Gas, LLC
Feb. 2021 Extreme Weather Event
Investigation

Ms. Fedorchak: I move the Commission close
Dakota Natural Gas, LLC, Feb. 2021 Extreme Weather
Event, Investigation, Case No. PU-21-103.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-140
Public Service Commission
Dirty Birds LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close
Public Service Commission, Dirty Birds LLC, Damage
Prevention Enforcement, Case No. PU-21-140.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-146
Public Service Commission
Liberty Fence, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close
Public Service Commission, Liberty Fence, Inc.,
Damage Prevention Enforcement, Case No. PU-21-146.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-234
Otter Tail Power Company
Archer Daniels Midland Company -
Stutsman County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the
Order in Otter Tail Power Company, Archer Daniels
Midland Company – Stutsman County, Public
Convenience & Necessity, Case No. PU-21-234.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-69
Meadowlark Wind I LLC
New Frontier Wind Energy Project -
McHenry County
Siting Application

Ms. Fedorchak: I move the Commission adopt the
Order on Tree and Shrub Mitigation Specifications in
Meadowlark Wind I LLC, New Frontier Wind Energy
Project – McHenry County, Siting Application, Case No.
PU-11-69.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-360
Public Service Commission
Standards of Service - Electric
Rulemaking

Moved to Page 5

Case No. PU-21-237
Qwest Corporation
Telephone Outage - Amenia Area
Investigation

Mr. Christmann: I move the Commission adopt the
Consent Order in Qwest Corporation, Telephone
Outage – Amenia Area, Application, Case No.
PU-21-237.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-20-78
BNI Coal, Ltd.
Bond Release 5, Permit BNCR-9401
Application

Mr. Christmann: I move the Commission approve Bond Release No. 5 to Surface Coal Mining Permit No. BNCR-9401, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 43.60 acres located in portions of Sections 5 and 8, T141N, R83W, Oliver County. No Monetary release is being requested since the current bond amount is based on the worst-case reclamation condition for Permit BNCR-9401. The release will become effective September 17, 2021, unless a formal hearing is requested, in BNI Coal, Ltd., Bond Release 5, Permit BNCR-9401, Application, PSC Case No. RC-20-78.

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

Case No. RC-21-90
Coteau Properties Company
Variance, Permit NACT-9501
Application

Mr. Christmann: I move the Commission approve The Coteau Properties Company's request for a variance to the ten-year revegetation responsibility period for 4.9 acres of reclaimed land in Section 16 of T146N, R88W, Mercer County, Permit NACT-9501 where revegetation was delayed on areas occupied by a sedimentation pond and stockpiles, in The Coteau Properties Company, Variance, Permit NACT-9501, Application, PSC Case No. RC-21-90.

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

Case No. RC-21-107
Coteau Properties Company
Revision 58, Permit NACT-8102
Application

Mr. Christmann: I move the Commission approve Revision No. 58 to Surface Coal Mining Permit No. NACT-8102, held by the Coteau Properties Company, to delete all 1,352.7418 acres from this permit and transfer all reclamation liabilities on this acreage to Permit No. NACT-1801 for the Freedom Mine, in Coteau Properties Company, Revision 58, Permit NACT-8102, Application, PSC Case No. RC-21-107.

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

Case No. PU-20-210
Public Service Commission
B & G Oilfield Services
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, B & G Oilfield Services, Damage Prevention Enforcement, Case No. PU-20-210.

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

Case No. PU-20-279
Public Service Commission
Magnum Electric, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Magnum Electric, Inc., Damage Prevention Enforcement, Case No. PU-20-279.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-362
Public Service Commission
North Country Contracting, LLC
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, North Country Contracting, LLC, Damage Prevention Enforcement, Case No. PU-20-362.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-142
Public Service Commission
Montana-Dakota Utilities Co.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Montana-Dakota Utilities Co., Damage Prevention Enforcement, Case No. PU-21-142.

Mr. Christmann: I second the motion.

Roll Call: Ms. Fedorchak: "Nay."

Mr. Christmann: "Aye."

Mr. Kroshus: "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 Settlement 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-21-364
Otter Tail Power Co/Northern Plains
Electric Coop
Jamestown, North Dakota
Service Area Agreement

Mr. Kroshus: Believing that there will be no prejudice to the rights of the parties or the public interest and finding the cases involve similar questions of law or fact, I move the Commission consolidate for notice of opportunity for hearing, under North Dakota Administrative Code section 69-02-04-04, Otter Tail Power Co/Northern Plains Electric Coop, Jamestown, North Dakota, Service Area Agreement, Case No. PU-21-364 and Otter Tail Power Company, Jamestown, North Dakota, Public Convenience & Necessity, Case No. PU-21-365.

Case No. PU-21-365
Otter Tail Power Company
Jamestown, North Dakota
Public Convenience & Necessity

I further move the Commission assess an application fee of \$10,000 and issue a Notice of Filing and Notice of Opportunity For Consolidated Hearing in the joint application of Otter Tail Power Company and Northern Plains Electric Cooperative for approval of an electric service area agreement and the resulting

Motion Continued

Case No. PU-21-364
Otter Tail Power Co/Northern Plains
Electric Coop
Jamestown, North Dakota
Service Area Agreement

issuance of a certificate of public convenience and necessity to establish and designate service locations to be served by Otter Tail Power Company and Northern Plains Electric Cooperative within and around the city of Jamestown, North Dakota, Case Nos. PU-21-364 and PU-21-365.

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

Case No. PU-21-365
Otter Tail Power Company
Jamestown, North Dakota
Public Convenience & Necessity

Case No. PU-21-360
Public Service Commission
Standards of Service - Electric
Rulemaking

Mr. Kroshus: I move the Commission propose to amend the North Dakota Administrative Code as attached, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law, in Public Service Commission, Standards of Service - Electric, Rulemaking, Case No. PU-21-360.

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

Case No. PU-21-366
Otter Tail Power Company
Super Large General Service
Agreement
Rates

Mr. Kroshus: I move the Commission reduce the filing fee to \$10,000 and issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Super Large General Service Agreement, Rates, Case No. PU-21-366.

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

Case No. PU-21-56
Public Service Commission
Austin Broden
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective August 5, 2021, in Public Service Commission, Austin Broden, Damage Prevention Enforcement, Case No. PU-21-56.

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

Case No. PU-21-177
Public Service Commission
KPH, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Adam Renfandt as advocacy staff effective July 26, 2021, in Public Service Commission, KPH, Inc., Damage Prevention Enforcement, Case No. PU-21-177.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-302
Public Service Commission
JMAC Resources, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective August 5, 2021, in Public Service Commission, JMAC Resources, Inc., Damage Prevention Enforcement, Case No. PU-21-302.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:15 P.M.



Executive Secretary



JULIE FEDORCHAK, CHAIR