

November 17, 2021

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 17, 2021, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kroshus.

Minutes

Ms. Fedorchak: I move the minutes of November 3, 2021, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-696  
Basin Electric Power Cooperative  
345 kV Trans. Line -  
Mercer, Dunn, McKenzie, Williams  
Siting Application

Ms. Fedorchak: 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 \$14,310.12 in Basin Electric Power Cooperative, 345 kV Trans. Line – Mercer, Dunn, McKenzie, Williams, Siting Application, Case No. PU-11-696.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-825  
Bakken Oil Express, LLC  
16-Inch Crude Oil Pipeline/Dunn &  
Stark Counties  
Siting Application

Ms. Fedorchak: 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 \$11,175 in Bakken Oil Express, LLC, 16-Inch Crude Oil Pipeline/Dunn & Stark Counties, Siting Application, Case No. PU-13-825.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-813  
Basin Electric Power Cooperative  
North Killdeer Loop Phase I 345 kV  
Transmission  
Siting Application

Ms. Fedorchak: 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 \$15,000 in Basin Electric Power Cooperative, North Killdeer Loop Phase I 345 kV Transmission, Siting Application, Case No. PU-14-813.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-674  
NuStar Pipeline Operating Partnership,  
L.P.  
8-inch Refined Products Pipeline -  
Cass County  
Siting Application

Ms. Fedorchak: Since no trees or shrubs were removed during construction, I move the Commission issue a siting application fee final refund in the amount of \$8,667 in NuStar Pipeline Operating Partnership, L. P., 8-Inch Refined Products Pipeline – Cass County, Siting Application, Case No. PU-15-674.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-725  
ONEOK Bakken Pipeline, L.L.C.  
Spring Creek Pump Station Project -  
McKenzie Cnty  
Siting Application

Ms. Fedorchak: 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 \$7,986.18 in ONEOK Bakken Pipeline, L.L.C., Spring Creek Pump Station Project – McKenzie Cnty, Siting Application, Case No. PU-15-725.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-406  
Caliber North Dakota LLC  
8-inch Residue Gas Line – McKenzie  
County  
Siting Temporary Approval

Ms. Fedorchak: I move the Commission adopt the Corrected Order granting temporary operation of facilities in Caliber North Dakota LLC, 8-inch Residue Gas Line – McKenzie County, Siting Temporary Approval, Case No. PU-21-406.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-17-181  
Oasis Midstream Services LLC  
Wild Basin Gas Plant - McKenzie  
County  
Siting Application

Ms. Fedorchak: Since no trees or shrubs were removed during construction, I move the Commission issue a siting application fee final refund in the amount of \$15,000 in Oasis Midstream Services LLC, Wild Basin Gas Plant – McKenzie County, Siting Application, Case No. PU-17-181.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-21-410  
Public Service Commission  
Glass Auction Service, LLC  
Auction Complaint

Ms. Fedorchak: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Glass Auction Service, LLC, Auction Complaint, Case No. AU-21-410.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-21-411  
Public Service Commission  
Chad Stoltz  
Auction Complaint

Ms. Fedorchak: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Chad Stoltz, Auction Complaint, Case No. AU-21-411.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-21-426  
Northland Auction and Storage, Inc.  
Auction Clerk License  
Cancellation

Ms. Fedorchak: I move the Commission adopt the Order Cancelling Auction Clerk License in Northland Auction and Storage, Inc., Auction Clerk License, Cancellation, Case No. AU-21-426.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-21-329  
Public Service Commission  
Surface Coal Mining and Reclamation  
Operations  
Rulemaking

Ms. Fedorchak: I move the Commission propose to adopt and 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, Surface Coal Mining and Reclamation Operations, Rulemaking, PSC Case No. RC-21-329.

Section 69-05.2-01-02 Definitions

Section 69-05.2-12-04 Performance bond - Collateral bond

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

Ms. Fedorchak: I move the Commission issue an application fee refund in the amount of \$49,092.46 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-21-147  
Otter Tail Power Company  
North Dakota Dept. of Transportation -  
Lamoure  
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, North Dakota Dept. of Transportation – Lamoure, Public Convenience & Necessity, Case No. PU-21-147.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-401  
Montana-Dakota Utilities Co.  
Naomi Turner - Kidder County  
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Naomi Turner – Kidder County, Public Convenience & Necessity, Case No. PU-21-401.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-404  
Montana-Dakota Utilities Co.  
Cogeneration/Small Power Producer  
Rates

Ms. Fedorchak: I move the Commission approve the rates in Montana-Dakota Utilities Co., Cogeneration/Small Power Producer, Rates, Case No. PU-21-404.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-408  
Public Service Commission  
Lower Yellowstone Irrigation Project  
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, Lower Yellowstone Irrigation Project, Damage Prevention Enforcement, Case No. PU-21-408.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-114  
Sacagawea Pipeline Company, LLC  
16-inch Crude Oil Pipeline - McKenzie & Mountrail  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Tree and Shrub Mitigation Specifications in Sacagawea Pipeline Company, LLC, 16-Inch Crude Oil Pipeline – McKenzie & Mountrail, Siting Application, Case No. PU-15-114 and in Sacagawea Pipeline Company, LLC, 16-Inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-744

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-744  
Sacagawea Pipeline Company, LLC  
16-inch Crude Oil Pipeline - McKenzie County  
Siting Application

Case No. PU-19-294  
Denbury Green Pipeline - North Dakota, LLC  
12-inch Cedar Hills Pipeline Pjct - Slope & Bowman  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Amended Findings of Fact, Conclusions of Law and Order in Denbury Green Pipeline – North Dakota, LLC, 12-inch Cedar Hills Pipeline Pjct - Slope & Bowman, Siting Application, Case No. PU-19-294.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-05-47  
Rugby Wind LLC  
Rugby Wind Farm - Pierce County  
Siting Application

Ms. Fedorchak: I move the Commission issue the Notice of Hearing in Rugby Wind LLC, Rugby Wind Farm – Pierce County, Siting Application, Case No. PU-05-47

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-338  
Public Service Commission  
JP Hager Enterprises, LLC  
Damage Prevention Enforcement

WITHDRAWN

Case No. PU-21-377  
Public Service Commission  
BEK Consulting LLC  
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, BEK Consulting LLC, Damage Prevention Enforcement, Case No. PU-21-377.

Mr. Christmann: I second the motion.

Roll Call: Ms. Fedorchak votes "Aye".

Mr. Christmann votes "Nay".

Mr. Kroshus votes "Aye".

Case No. PU-21-420  
Montana-Dakota Utilities Co.  
Renewable Resource Cost Recovery  
Rates

Mr. Kroshus: I move the Commission suspend the rates and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Renewable Resource Cost Recovery, Rates, Case No. PU-21-420.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-421  
Montana-Dakota Utilities Co.  
Generation Resource Cost Recovery  
Rates

Mr. Kroshus: I move the Commission suspend the rates and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Generation Resource Cost Recovery, Rates, Case No. PU-21-421.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-423  
Public Service Commission  
Wagner Construction, Inc.  
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective October 15, 2021, in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-20-423.

Mr. Kroshus: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:42 A.M.

  
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Executive Secretary

  
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JULIE FEDORCHAK, CHAIR