

December 29, 2021

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 29, 2021, 10:03 a.m. Present were Commissioners Fedorchak, Christmann and Kroshus.

Minutes

Ms. Fedorchak: I move the minutes of December 15, 2021, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-733  
Oasis Midstream Services LLC  
10.75-inch Crude Oil Pipeline -  
McKenzie County  
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 \$9,675 in Oasis Midstream Services, LLC, 10.75-inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-733.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-404  
Belle Fourche Pipeline Company  
8-inch Wilson-Bowline Pipeline  
Conversion Project  
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee interim refund in the amount of \$49,884.21 in Belle Fourche Pipeline Company, 8-inch Wilson-Bowline Pipeline Conversion Project, Siting Application, Case No. PU-18-404.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

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 issue a siting application fee interim refund in the amount of \$9,723.64 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-20-381  
NuStar Pipeline Operating Partnership  
L.P.  
10" North System Pipeline Relocation -  
Cass County  
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee interim refund in the amount of \$5,215.87 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-21-49  
 Basin Electric Power Cooperative  
 230kV Transmission Line Project -  
 Mountrail County  
 Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee interim refund in the amount of \$64,745.95 in Basin Electric Power Cooperative, 230kV Transmission Line Project – Mountrail County, Siting Application, Case No. PU-21-49.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-150  
 Dakota Gasification Company  
 Carbon Dioxide Gas Pipeline - Mercer  
 County  
 Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee interim refund in the amount of \$64,418.91 in Dakota Gasification Company, Carbon Dioxide Gas Pipeline – Mercer County, Siting Application, Case No. PU-21-150.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Blaster Certifications/Re-Certifications  
 Approval

Ms. Fedorchak: I move the Commission approve blaster certification for the following applicants:

<b>Applicant</b>	<b>Affiliation</b>	<b>Certificate No.</b>
Joshua Sommerer	Freedom	21-12-426
Robert Richardson	Freedom	21-12-427
Jason Hagemeister	Freedom	21-12-428
James Rosene	Falkirk	21-12-429
Corey Hager	Falkirk	21-12-430
Darcy Kramlich	Falkirk	94-11-224-R(9)
Bernell T Heid	Falkirk	99-10-232-R(7)
Shane S. Berg	Falkirk	07-11-298-R(5)
Troy J. Leingang	Falkirk	07-11-300-R(5)
Jeremiah Hruby	Falkirk	10-02-323-R(4)
Brian T. Churchill	Falkirk	13-06-351-R(3)

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 that the Commission adopt the Order on Motion for Extension 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-19-294  
Denbury Green Pipeline - North  
Dakota, LLC  
12-inch Cedar Hills Pipeline Pjct -  
Slope & Bowman  
Siting Application

Ms. Fedorchak: I move the Commission approve the Tree and Shrub Mitigation Plan filed on December 8, 2021, 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-21-151  
Montana-Dakota Utilities Co.  
230 kV Transmission Line - Morton  
County  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Montana-Dakota Utilities Co., 230 kV Transmission Line - Morton County, Siting Application, Case No. PU-21-151.

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

Case No. PU-21-353  
Hiland Crude, LLC  
2.9-Mile Crude Oil Pipeline - Williams  
County  
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Hiland Crude, LLC, 2.9-Mile Crude Oil Pipeline – Williams County, Siting Application, Case No. PU-21-353.

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

Case No. PU-10-73  
Tatanka Wind Power, LLC  
Tatanka Wind Farm - Dickey Cty  
Decommissioning Plan & Cost

Mr. Christmann: I move the Commission reject the revised decommissioning plan and cost estimate, filed on November 12, 2021, which would have replaced the decommissioning plan and cost estimate approved by the Commission on October 21, 2020, in Tatanka Wind Power, LLC, Tatanka Wind Farm - Dickey Cty, Decommissioning Plan & Cost, Case No. PU-10-73.

Mr. Kroshus: I second the motion.

#### Substitute Motion

Ms. Fedorchak: I move the Commission approve the revised decommissioning plan and cost estimate, filed on November 12, 2021, which replaces the decommissioning plan and cost estimate approved by the Commission on October 21, 2020, in Tatanka Wind Power, LLC, Tatanka Wind Farm - Dickey Cty, Decommissioning Plan & Cost, Case No. PU-10-73.

Mr. Kroshus: I second the motion.

#### Vote on Substitute Motion:

Roll Call: Ms. Fedorchak: "Aye."

Mr. Christmann: "Nay."

Mr. Kroshus: "Aye."

Dissenting Opinion

Case No. PU-10-73  
Tatanka Wind Power, LLC  
Tatanka Wind Farm - Dickey Cty  
Decommissioning Plan & Cost

DISSENT

Commissioner Randy Christmann  
December 29, 2021

The request of Tatanka Wind Power, LLC (Tatanka) to replace their decommissioning plan and lower their cost estimate should be denied. Only fourteen months ago (October of 2020) the PSC approved a decommissioning plan provided by Tatanka. The plan used similar techniques as dozens of other plans submitted by numerous wind farm operators. The associated cost estimate for that plan is \$15.75 million, which was also accepted by the Commission.

However, Tatanka never provided the required financial assurances to match that cost estimate. Instead, they requested a new decommissioning plan which would lower the cost estimate and their financial assurance requirement to \$9,478,100.

The key change being requested is “felling” turbine towers instead of dismantling them with cranes. Felling consists of attaching a long cable to the nacelle and pulling the turbine hub over.

Approval of this new method of decommissioning cannot be taken lightly. In this case it lowers their cost estimate to only 60% of their previous plan. It should be assumed that other operators are likely to want to substantially lower their financial assurance requirements too. If that happens, and if the felling strategy proves unsuccessful, the Commission could be left with inadequate financial assurances to decommission dozens of facilities using traditional methods.

Comparisons have been made to decommissioning costs of other wind farms on a per turbine basis. These are not reliable comparisons. On a per turbine basis, the amount of roads to be reclaimed, the amount of native species grasses, the terrain, the amount of wetlands, the proximity to a landfill, and the proximity to contractors are variables that make “cost per turbine” comparisons deceiving.

In this case, Tatanka has claimed a successful track record for this new method of dismantling (felling) by referencing a project in Iowa. Tatanka’s consultant, Westwood, states “As evidence of the success of this

## Dissenting Opinion Continued

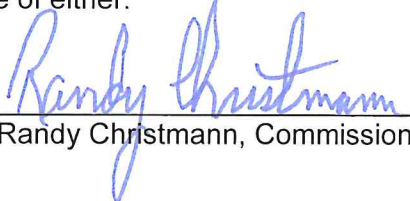
Case No. PU-10-73  
Tatanka Wind Power, LLC  
Tatanka Wind Farm - Dickey Cty  
Decommissioning Plan & Cost

technique we have reviewed confidential information prepared for the decommissioning of the Cerro Gordo Wind Project in Clear Lake, Iowa, dated October 2018.” Before approving this plan, at the very least, this confidential information should have been provided to the PSC for review by Commissioners and staff. This is done frequently in other cases. Westwood’s interpretation of the information alone is not persuasive evidence.

Another major concern is that felling these turbine hubs completely onto the access roads is impossible. Parts of them will clearly land off the access road surface. Tatanka assures the Commission that they have the necessary access and land use rights to decommission the facility as they are proposing. However, Tatanka also says, “... private landowner easements and leases are outside the jurisdiction of the Commission, Tatanka has the necessary access and land use rights to decommission the facility in the manner described in the November 2021 Plan.” At this point in time, if Tatanka defaults on decommissioning, the PSC has no idea whether those access and land use rights will allow the Commission to use this less expensive method of decommissioning. If they do not, the Commission may find itself using traditional methods with funding for only a small portion.

The potential for this method of decommissioning to be successful clearly exists. I am hopeful felling will be successful and anxious to see it tried experimentally. But approving a trial is one thing. Lowering the financial assurances required by the Commission based on the estimated costs of that trial is completely different. The people of North Dakota rely on these financial assurances to be adequate to assure proper decommissioning if the owner defaults.

Approval of this plan assumes that felling will be successful and assumes that the Commission will have land use rights to carry it out if the operator fails to do so. At this point in time, Tatanka has not provided persuasive evidence of either.

  
Randy Christmann, Commissioner

Case No. RC-21-417  
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 19.7 acres of reclaimed native grassland in Section 22 of T146N, R88W, Mercer County, where revegetation was delayed on areas occupied by a sedimentation pond, stockpiles and three conservation tree plantings.

Mr. Kroshus: 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 adopt the Findings of Fact, Conclusions of Law and Order 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-21-386  
Montana-Dakota Utilities Co.  
NG Distribution System - Cass and  
Richland  
Public Convenience & Necessity

WITHDRAWN

Case No. PU-20-342  
Montana-Dakota Utilities Co.  
Mandan to Ellendale Transmission  
System Upgrade  
Siting Exclusion Certification

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Patrick Fahn as advocacy staff effective November 19, 2021, in Montana-Dakota Utilities Co., Mandan to Ellendale Transmission System Upgrade, Siting Exclusion Certification, Case No. PU-20-342.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-151  
Montana-Dakota Utilities Co.  
230 kV Transmission Line - Morton  
County  
Siting Application

Ms. Fedorchak: I move the Commission appoint Brian Johnson and Patrick Fahn as advocacy staff effective November 19, 2021, in Montana-Dakota Utilities Co., 230 kV Transmission Line – Morton County, Siting Application, Case No. PU-21-151.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-21-452  
Montana-Dakota Utilities Co.  
Gas Service Extension Policy  
Tariff

Ms. Fedorchak: I move the Commission appoint Brian Johnson, Adam Renfandt and Victor Schock as advocacy staff in Montana-Dakota Utilities Co., Gas Service Extension Policy, Tariff, Case No. PU-21-452.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 11:37 A.M.

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

  
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JULIE FEDORCHAK, CHAIR