

November 20, 2024

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 20, 2024, 10:38 a.m. Present were Commissioners Christmann and Haugen-Hoffart. Due to a prior commitment, Commissioner Fedorchak participated by telephone for a portion of the meeting and authorized Pamela Thompson to sign on her behalf for the items she voted on. Commissioner Fedorchak was absent for the vote on three items as identified.

Minutes

Mr. Christmann: I move the minutes of November 7, 2024, be approved.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-24-213
Otter Tail Power Company
2023 Electric
Annual Report

Mr. Christmann: I move the Commission close Otter Tail Power Company, 2023 Electric, Annual Report, Case No. PU-24-213.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. DM-24-313
Public Service Commission
MP Technologies, LLC
Damage Prevention Enforcement

Mr. Christmann: I move the Commission close Public Service Commission, MP Technologies, LLC, Damage Prevention Enforcement, Case No. DM-24-313.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. DM-24-318
Public Service Commission
Valley City Public Works
Damage Prevention Enforcement

Mr. Christmann: I move the Commission close Public Service Commission, Valley City Public Works, Damage Prevention Enforcement, Case No. DM-24-318.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-24-358
Montana-Dakota Utilities Co.
Cogeneration/Small Power Producer
Rates

Mr. Christmann: I move the Commission approve the rates in Montana-Dakota Utilities Co., Cogeneration/Small Power Producer, Rates, Case No. PU-24-358.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-24-365
Montana-Dakota Utilities Co.
Generation Resource Cost Recovery
Rates

Mr. Christmann: I move the Commission suspend the rates, reduce the application fee to \$10,000 and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Generation Resource Cost Recovery, Rates, Case No. PU-24-365.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-24-369
Public Service Commission
2025 Lehigh Road Ph X and Scranton
Ph IV AML Prjct
Project

Mr. Christmann: I move the Commission initiate Case No. AM-24-369 for the 2025 Lehigh Road Phase X and Scranton Phase IV AML Project for reclamation of abandoned mine lands in Public Service Commission, 2025 Lehigh Road Phase X and Scranton Phase IV AML, Project, Case No. AM-24-369.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-24-91
Otter Tail Power Company/Montana-
Dakota Utilities
345kV Transmission Line-Jamestown
to Ellendale
Public Convenience & Necessity

Ms. Haugen-Hoffart: I move the Commission adopt the Order in Otter Tail Power Company/Montana-Dakota Utilities Co., 345kV Transmission Line-Jamestown to Ellendale, Public Convenience and Necessity, Case No. PU-24-91.

Ms. Fedorchak: I second the motion.

Roll Call: Mr. Christmann votes "Nay".

Ms. Haugen-Hoffart votes "Aye".

Ms. Fedorchak votes "Aye".

Dissenting Opinion
Commissioner Randy Christmann

Dissent

Commissioner Randy Christmann
November 20, 2024

Case No. PU-24-91
Otter Tail Power Company/Montana-
Dakota Utilities
345kV Transmission Line-Jamestown
to Ellendale
Public Convenience & Necessity

The Certificate of Public Convenience and Necessity for Otter Tail Power Company's and Montana-Dakota Utilities Co.'s 345 kV transmission line from Ellendale to Jamestown should be denied. The applicants have not met their burden to show the necessity for this investment.

This project is one of eighteen being pushed by MISO, the Regional Transmission Organization where OTP and MDU hold membership. The original application (Docket #1) indicates the cost of this project to be approximately \$440 million. It is part of a combination of 18 projects throughout the Midwest known as MISO's Tranche #1. The combined costs for these projects are allocated throughout the region. Tranche #1 is estimated to total over \$10 billion.

Among the benefits emphasized in the application are improved reliability, congestion and fuel savings, improved distribution of renewable energy, and reduced carbon emissions.

Docket #13, filed June 26, 2024, indicates the cost for Tranche #1 will be about \$5.75 / month for the average OTP residential customer and about \$3.15 / month for the average MDU customer for forty years.

Dissenting Opinion Continued
Commissioner Randy Christmann

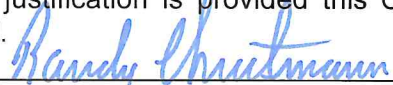
Case No. PU-24-91
Otter Tail Power Company/Montana-
Dakota Utilities
345kV Transmission Line-Jamestown
to Ellendale
Public Convenience & Necessity

The joint application was received February 29, 2024. An Informal Hearing was held in July. Commission Work Sessions followed in August and October. During this entire time the applicants and MISO had opportunities to provide more and better information.

Throughout the last seven months the explanation has remained vague. MISO's long term transmission study is cited which shows dozens of voltage and thermal problems that this project would relieve. However, the vast majority of the problems are forward looking, meaning they do not exist yet. It will be future actions that will cause most of these problems. No clear information is provided that allows us to determine who will be causing these future actions, whether they are preventable, nor whether they are realistic. One of the few examples provided of the coming changes that would create the need for this transmission is 800 megawatts of solar electric generation, but much of that even appears to be conjecture because no information is provided regarding who would build these nor where they would be built.

One key factor that is known about the future of transmission in this area is a large new load near Ellendale, ND that is already partially operational and partially under development. We know this facility has already relieved congestion in this area of the state. MISO refuses to update their Tranche #1 study, which is more than two years old, or even take this new load into consideration.

Adding costs of this significance to North Dakota ratepayers deserves careful scrutiny. Perhaps this project is a necessity, but there have been multiple opportunities for the applicants to answer more questions and provide more detail. They have not done so. Until better justification is provided this Certificate should be denied.



Randy Christmann, Commissioner

Case No. PU-24-297
Montana-Dakota Utilities Co.
Transmission Facility Cost Recovery
Rates

Ms. Haugen-Hoffart: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Transmission Facility Cost Recovery, Rates, Case No. PU-24-297.

Ms. Fedorchak: I second the motion.

Prior to discussion and a vote, the motion and second were withdrawn. This item will be acted on later in the meeting.

Case No. PU-18-219
Harmony Solar ND, LLC
Harmony Solar Project - Cass County
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Continuing Suitability in Harmony Solar ND, LLC, Harmony Solar Project – Cass County, Siting Application, Case No. PU-18-219.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-24-359
Applied Digital Corporation
Temporary Construction Variance
Siting Temporary Approval

Ms. Fedorchak: I move the Commission approve the request for a temporary variance for construction in Applied Digital Corporation, Temporary Construction Variance, Siting Temporary Approval, Case No. PU-24-359.

Ms. Haugen-Hoffart: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-24-297
Montana-Dakota Utilities Co.
Transmission Facility Cost Recovery
Rates

Ms. Haugen-Hoffart: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Transmission Facility Cost Recovery, Rates, Case No. PU-24-297.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak – Absent

Case No. PU-24-363
Northern States Power Company
Franchise Fee – City of Grand Forks –
Electric
Rates

Ms. Haugen-Hoffart: I move the Commission suspend the tariff and rates and issue a Notice of Opportunity for Hearing in Northern States Power Company, Franchise Fee - City of Grand Forks - Electric, Rates, Case No. PU-24-363.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak – Absent

Case No. PU-24-366
Montana-Dakota Utilities Co.
Renewable Resource Cost Recovery
Rates

Ms. Haugen-Hoffart: 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-24-366.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Ms. Fedorchak – Absent

ATTEST

THE COMMISSION ADJOURNED AT 11:17 A.M.



Executive Secretary



RANDY CHRISTMANN, CHAIR