

August 21, 2013

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on August 21, 2013, 10:00 a.m. Present were Commissioners Kalk, Christmann, and Fedorchak.

Minutes

Mr. Kalk: I move the minutes of July 30, August 6, 7, 2013 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-513
Temchack Auctions LLC
Auction Clerk
License Application

Mr. Kalk: I move the Commission approve the auction clerk license application for Temchack Auctions LLC, Bismarck, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-748
Frederick R. Vilsmeier
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Frederick R. Vilsmeier, Lincoln, Nebraska.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-749
Lucas J. Schneider
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Lucas J. Schneider, Lincoln, Nebraska.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-750
Robert Bannister
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Robert Bannister, Killdeer, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-13-751
Max M. Steffes
Auctioneer
License Application

Mr. Kalk: I move the Commission approve the auctioneer license application for Max M. Steffes, West Fargo, North Dakota.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-199
Montana-Dakota Utilities Co.,
a Division of MDU
Crescent Point Energy U.S. Inc.-
Divide County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Crescent Point Energy U.S. Inc. at a location in Divide County, North Dakota, Case No. PU-13-199.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-403
Otter Tail Power Company
Robert Matejcek - Richland County
Public Convenience & Necessity

Mr. Kalk: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Power Company to extend electric service to Robert Matejcek at a location in Richland County, North Dakota, Case No. PU-13-403.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-725
Otter Tail Power Company
Johnson-Larson Farms -
Sargent County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Johnson-Larson Farms at a location in Sargent County, North Dakota, Case No. PU-13-725.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-733
Otter Tail Power Company
Bill Mauch - Richland County
Public Convenience & Necessity

Mr. Kalk: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Bill Mauch at a location in Richland County, North Dakota, Case No. PU-13-733.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-64
Courtenay Wind Farm, LLC
200.5 MW Wind Energy Conversion
Facility-Stutsman
Siting Application

Mr. Kalk: I move the Commission issue a Notice of Intent to Consider Additional Information Not Presented at a Hearing in the application of Courtenay Wind Farm, LLC for a certificate of site compatibility to construct a 200.5 MW wind farm in Stutsman County, North Dakota, Case No. PU-13-64.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-127
Allete, Inc.
210MW Bison 4 Wind Farm –
Mercer, Morton, Oliver Counties
Siting Application

Mr. Kalk: I move the Commission cancel the hearing previously scheduled for August 21, 2013 and issue a Notice of Rescheduled Hearing in the application of ALLETE, Inc. for a certificate of site compatibility to construct a proposed 210 MW Bison 4 Wind Project in Mercer, Morton and Oliver Counties of North Dakota, Case No. PU-13-127.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-799
S. J. Louis Construction, Inc.
Damage Prevention Enforcement

Mr. Kalk: I move the Commission adopt the Consent Order in the Public Service Commission's damage prevention enforcement action concerning S.J. Louis Construction, Inc. and cancel the hearing scheduled for September 9, 2013, Case No. PU-12-799.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-193
Earth Harvest Mills, Inc.
Grain Warehouse
Insolvency

Mr. Christmann: I move the Commission acknowledge the expiration of public warehouse license number 1155 by operation of law on July 31, 2013, under North Dakota Century Code section 60-02-07, and the automatic discontinuance of business on August 1, 2013, under North Dakota Admin. Code section 69-07-02-03.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-731
Earth Harvest Mills, Inc.
License No. 1151 – Harvey, ND
Discontinue Business

Case No. GE-13-736
United Grain Corporation of Oregon
Facility-Based Grain Buyer –
Bucyrus, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-736 granting the request of United Grain Corporation of Oregon, with corporate offices in Vancouver, Washington, to operate as a facility-based grain buyer at Bucyrus, North Dakota, effective immediately.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-744
Glanbia Nutritionals, Inc.
Roving Grain Buyer - Fitchburg, WI
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-744 cancelling roving grain buyer license number 3142 issued to Glanbia Nutritionals, Inc. of Fitchburg, Wisconsin, and ordering that all North Dakota roving grain buyer activities be discontinued effective August 1, 2013.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-745
Colgate Commodities, Inc.
License No. 994 - Colgate, ND
Discontinue Business

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-745 cancelling warehouse license number 994 issued to Colgate Commodities, Inc. at Colgate, North Dakota and ordering that business at Colgate is discontinued effective immediately.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-746
Trinidad Benham Corp.
Facility-Based Grain Buyer –
Colgate, ND
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-746 granting the request of Trinidad Benham Corp. of Denver, Colorado, to operate as a facility-based grain buyer at Colgate, North Dakota, effective immediately.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-13-747
United Grain Corporation of Oregon
Roving Grain Buyer - Vancouver, WA
License Application

Mr. Christmann: I move the Commission adopt an order in Case No. GE-13-747 granting the request of United Grain Corporation of Oregon with corporate offices in Vancouver, Washington to operate as a roving grain buyer in North Dakota, effective immediately.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-680
Montana-Dakota Utilities Co.,
a Division of MDU
Resources Natural Gas Pipeline -
Morton County
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order and issue Certificate of Corridor Compatibility Number 143 and Route Permit Number 156 in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) combined application for a Certificate of Corridor Compatibility and Energy Transmission Facility Route Permit to authorize construction for a 24-mile 10-inch diameter natural gas pipeline in Morton County, North Dakota originating at an interconnection with the Northern Border Pipeline system (Northern Border) near St. Anthony, North Dakota and terminating at the Heskett electric generating station north of Mandan, North Dakota, Case No. PU-11-680.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-190
Hiland Operating, LLC
6-Inch Natural Gas Pipeline –
Divide & Burke Counties
Siting Application

Ms. Fedorchak: I move the Commission deem the applications complete and issue a Notice of Filings and Notice of Hearing in the applications of Hiland Operating, LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit for an existing 6.5 mile, 6-inch natural gas pipeline in Divide and Burke Counties, North Dakota, Case No. PU-12-190.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-734
Basin Transload, LLC/
Tesoro High Plains Pipeline
Transfer of Corridor Certificate &
Route Permit
Siting Application

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing and assess a \$5,000 filing fee in the joint application of Basin Transload, LLC and Tesoro High Plains Pipeline, LLC to transfer Certificate of Corridor Compatibility No. 141 and Route Permit No. 154 to Tesoro High Plains Pipeline, LLC, Case No. PU-13-734.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-728
Hess Corporation /
Hess Tioga Gas Plant, LLC
Transfer of Site Certificate
Siting Application

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing and assess a filing fee of \$5,000 in the joint application of Hess Corporation and Hess Tioga Gas Plant, LLC to transfer Certificate of Site Compatibility for Energy Conversion Facility, Certificate Number 18, to Hess Tioga Gas Plant, LLC, Case No. PU-13-728.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-190
Hiland Operating, LLC
6-Inch Natural Gas Pipeline –
Divide & Burke Counties
Siting Application

Mr. Kalk: I move the Commission retain Brian Schmidt to provide legal services to assist the Commission in processing Case No. PU-12-190, Hiland Operating, LLC, 6-inch Natural Gas Liquids Pipeline, Siting Application.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-706
Northern States Power Company
Advance Determination of Prudence -
Courtenay Wind
Application

Mr. Kalk: I move the Commission appoint Mike Diller, Sara Cardwell and Ryan Norrell as advocacy staff in Northern States Power Company's applications for Advance Determination of Prudence for the Courtenay Wind Project, the Odell Wind Project, the Pleasant Valley Wind Project and the Border Winds Project, Case Nos. PU 13 706, PU-13-707, PU-13-708 and PU-13-742.

Case No. PU-13-707
Northern States Power Company
Advance Determination of Prudence -
Odell Wind Project
Application

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

Case No. PU-13-708
Northern States Power Company
Advance Determination of Prudence-
Pleasant Valley
Application

Case No. PU-13-742
Northern States Power Company
Advance Determination of Prudence –
Border Winds
Application

New Hire
Geographic Information Systems
(GIS) Specialist

Mr. Kalk: I move the Commission acknowledge the offer to and acceptance of Matthew Fischer to fill Position No. 5025, Geographic Information Systems Specialist, effective August 26, 2013, under the terms specified in the July 30, 2013 written offer of employment.

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

ATTEST

THE COMMISSION ADJOURNED AT 11:50 A.M.

Executive Secretary

BRIAN P. KALK, CHAIRMAN