


**MINUTES**  
**September 28, 2020**  
**3:00 P.M.**  
**Special Board Meeting-Zoom Video Conference**  
**NDPISB**

1. Chairman Mike Wetsch called the Zoom special meeting to order at 3:02 p.m. Board members present: Mike Wetsch, Justin Blinsky, Ernie Thurman, Randy Ziegler, Jason Nelson and Steven Lundin. Board members absent: None. Others present: Executive Director John J. Shorey III, Assistant Attorney General Allyson Hicks, Board Legal Counsel Monte Rogneby, Attorney Chad Nodland, Attorney Jennifer Recine, Attorney Tom Kelly, and Attorney Tonja De Sloover.

2. A motion was made by Randy to close the meeting for an executive session for attorney consultation (44-04-19.1(2)) concerning an open records request and threatened litigation. Seconded by Ernie. Steven Lundin stated since this regarded the TigerSwan issue, as he had done in the past, he was just going to listen to the discussion, but was not going to vote on any of the matters involving the TigerSwan issue. Chairman Wetsch advised Steven was recusing himself. A roll call vote was taken, and it was unanimous to go into executive session. While Chairman Wetsch was reading the executive session verbiage, Jennifer Recine advised she represented Energy Transfer. Jennifer advised also present was her colleague Tom Kelly and Energy Transfer representative Tonja De Soolver. Jennifer asked that they be heard on the TigerSwan issue; that she believed the Board's Attorney was aware of the request, and they have not heard back on their request. Chairman Wetsch asked Monte how he wanted to address the request. Monte advised he thought the Board would need to go into executive session and figure out what its will was. Monte advised he thought if the Board was going to bring them into an executive session it would need to be part of an agenda and noticed as a separate meeting, but that was something that could be talked about in the executive session. Jennifer advised they have been trying to negotiate with Monte for many months about issues that are central to the safety of their infrastructure items in North Dakota. Jennifer advised they would like to avoid litigation. Jennifer advised they were concerned the Board was not fully aware of the issues that have been raised by Energy Transfer. Jennifer advised they wanted to be sure the Board had an opportunity to hear from them before determining what their will was. Chairman Westch advised they would discuss it with Monte and would decide if they needed to have a future meeting where they joined the Board in executive session. The executive session began 3:07 p.m. The executive session adjourned at 3:44 p.m. The public was invited back for the open session of the meeting.

3. Randy made a motion to release the pleadings and exhibits in response to the open records request. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion. The Chairman advised all other items on the agenda would be discussed at a future date. Chairman Wetsch advised he was ordering Monte to continue discussions with ETP. Tonja asked if the exhibits that were going to be released were going to be redacted or unredacted. Monte advised the pleadings would be released as they were filed with the Office of Administrative Hearings. Tonja stated she wanted to be on record that that Energy Transfer objected to the releasing of their documents that were attached to the pleadings in an unredacted form. Tonja stated that they have been on record the last couple of months with their position that the Board

is holding the documents unlawfully. Tonja stated that the Board is disclosing confidential and secure information and they object to that. Chairman Wetsch advised their objection was noted.  
4. Justin made a motion to adjourn the meeting. Jason seconded. A roll call vote was taken, and it was unanimous to approve the motion. The meeting was adjourned at 3:51 P.M.

  
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Chairman

11-18-20  
Date

  
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NDPISB Executive Director

11-17-2020  
Date