

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Federal 2005 Energy Policy Act Standards
Investigation**

Case No. PU-06-290

PETITION TO INTERVENE

**IMATION CORP.
INTERVENER**

COMES NOW Imation Corp. (Imation) by and through its attorney, Thomas D. Kelsch of Kelsch Kelsch Ruff & Kranda, hereby petition the North Dakota Public Service Commission (NDPSC) for permission to intervene in the above-entitled action.

On July 26, 2006, NDPSC ordered an investigation to consider whether to propose rules to adopt any and all of the new PURPA Standards paragraphs and sections 1251, 1252, or 1254 of the Act. A workshop has been scheduled to begin on October 23, 2006. The issues to be considered at the workshop are:

1. Whether the Commission should adopt any or all of the standards, under sections 1251, 152, or 1254 of the Act;
2. Whether the Commission should adopt different or modified standards from those described in sections 1251, 152, or 1254 of the Act; and
3. What compensation, if any, should be made available to consumers under PURPA section 122 for their reasonable expenses incurred in participating or intervening in this proceeding.

GROUNDS FOR INTERVENTION

Imation is a U.S. based company with more than 50 years experience in removable data storage. Imation has a manufacturing plant in Wahpeton, North Dakota. Ottertail Power Company (OTP) is the electrical power supplier to Imation's Wahpeton plant. Imation is currently OTP's 7th largest customer. Imation pays significantly higher electric rates than other large industrial customers in the area.

Imation as a large retail consumer of electricity in this state has a substantial interest in the Commission adopting time differentiated rates for retail customers, which is contemplated in this proceeding.

Intervention by Imation will not substantially broaden the issues or cause any delay in the proceedings.

POSITION AND INTEREST IMATION

Imation requests NDPSC adopt time differentiated rates that are:

- a). Based on its average embedded cost and reflect the utility's differences in cost between daytime and nighttime hours, and
- b). Appropriately reward high load factor customers such as Imation.

CONTRIBUTIONS OF IMATION AS AN INTERVENER

As an INTERVENER, Imation can help the NDPSC understand both the need and the urgency for the adoption of various time of use rate schedules from the standpoint of a large retail consumer. As an INTERVENER, Imation will be in a position to provide information and

