



Public Service Commission  
State of North Dakota

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COMMISSIONERS

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May 28, 2008

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: www.nd.gov/psc  
e-mail: ndpsc@nd.gov  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: M-Power, LLC  
Certificate of Site Compaibility  
Application  
Case No. PU-08-34

Dear Mr. Hoberg:

Enclosed is a request for an administrative law judge in the above case. Hearing is scheduled in Finley, North Dakota on July 7, 2008. The Notice of Hearing has not been issued. The administrative law judge will serve as a procedural law judge and the hearing will be tape recorded. Any party may request to have a court reporter present. The party requesting the court reporter is responsible for making the arrangements for the court reporter and paying the costs of the court reporter.

If you have any questions, please contact me. Thank you.

Sincerely,

William W. Binek  
Hearing Administrator

Enclosure

c: Lawrence Bender



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the M-Power, LLC Luverne Wind Farm Siting Application, Case No. PU-08-34

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in NDCC Chapter 49-22 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 Application for Certificate of Site Compatibility

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY M-Power, LLC	Address Finley, ND	Telephone Number
Representation Lawrence Bender	Address Bismarck, ND	Telephone Number 701-221-4020
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W. Binek, Hearing Administrator	Date May 28, 2008
Signature of Requesting Person 	Telephone Number 328-4088