

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE COMMISSION

OAH File No. 20090126

M-Power, LLC
Electric Generation/Wind-Griggs/Steele County
Siting Application

Case No. PU-08-34

ORDER DENYING SUBSTITUTION

By motion dated and filed May 27, 2009, Ashtabula Wind II, LLC ("Ashtabula") sought to be substituted for M-Power, LLC ("M-Power") as the party applicant in this case in accordance with the provisions of N.D.R.Civ.P. 25, specifically N.D.R.Civ.P. 25(c). The motion was not resisted by M-Power.

A prehearing conference was had May 29, 2009, to hear the further advice of counsel and consider the motion. Brian R. Bjella, Crowley Fleck PLLP appeared for Ashtabula. Lawrence Bender, Fredikson & Byron, P.A., appeared for M-Power. Annette Bendish, and Illona Jeffcoat-Sacco appeared for the North Dakota Public Service Commission ("the Commission"). Considering the advice of counsel and the record for this case and finding that Ashtabula failed to show sufficient basis for substitution for M-Power in this case, it is

Ordered, that the motion of Ashtabula to be substituted for M-Power as the party applicant in this case shall be, and it hereby is, denied.

Dated May 30, 2009.

State of North Dakota
Public Service Commission

By: 
Al. Wahl, Temporary Administrative Law Judge

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CERTIFICATE OF SERVICE

The undersigned certifies that complete and correct copies of the annexed **ORDER DENYING SUBSTITUTION** were delivered to the U. S. Postal Service on June 1, 2009, addressed as follows, for delivery by regular mail:

Mr. Lawrence Bender
Fredrikson & Byron
P. O. Box 1855
Bismarck, ND 58502-1855

Mr. Brian R. Bjella
Crowley Fleck PLLP
P. O. Box 2798
Bismarck, ND 58502-2798

Ms. Annette Bendish
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Dated June 1, 2009.

OFFICE OF ADMINISTRATIVE HEARINGS


Al. Wahl