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April 9, 2008

RECEIVED

APR 09 2008

PUBLIC SERVICE COMMISSION

MS ILLONA A JEFFCOAT-SACCO
EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
600 EAST BOULEVARD, DEPT 408
BISMARCK ND 58505-0480

Re: Otter Tail Corporation/Minnikota Power Cooperation Luverne to Maple River Electric
Transmission Line
Case No: PU-08-48
Our File No. 12510

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing is an original and seven copies of a RES Americas Development Inc and PEAK Wind Development LLC's Petition to Intervene and Rule 3.2 Notice of Petition to Intervene which has been served on the parties as shown on the Certificate of Service.

If you have any questions, please feel free to contact me.

Sincerely,



Thomas D Kelsch

TDK:ms
Encs



14 PU-08-48 Filed: 4/9/2008 Pages: 8
Petition to Intervene & Notice of Petition to Intervene

RES Americas Development Inc. & PEAK Wind Development,
LLC
Kelsch, Kelsch, Ruff & Kranda

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF OTTER TAIL)
CORPORATION/MINNKOTA POWER)
COOPERATION LUVERNE TO MAPLE)
RIVER ELECTRIC TRANSMISSION)
LINE APPLICATION)

Docket No. PU-08-48

STATE OF NORTH DAKOTA)
COUNTY OF MORTON) ss.

MELISSA K SCHNEIDER, being first duly sworn, on oath, deposes and says: That she is a citizen of the United States, over the age of eighteen and not a party to the above-entitled action.

That on the 9th day of April, 2008, this affiant deposited in the United States Post Office at Mandan, North Dakota and/or electronically mailed a true and correct copy of the following document(s) in the above captioned action:

Rule 3.2 Notice of Petition to Intervene
Petition to Intervene of RES Americas Development Inc and PEAK Wind Development LLC

That a copy of the above document(s) was securely enclosed in an envelope with postage duly prepaid and/or electronically mailed and addressed as follows:

AL KOECKERITZ
akoeckeritz@otpc.com

BRUCE GERHARDSON
OTTERTAIL CORPORATION
215 S CASCADE STREET
FERGUS FALLS MN 56538
bgerhardson@ottertail.com

MINNKOTA POWER COOPERATIVE, INC
1822 MILL ROAD
PO BOX 13200
GRAND FORKS ND 58208-3200

Melissa K Schneider

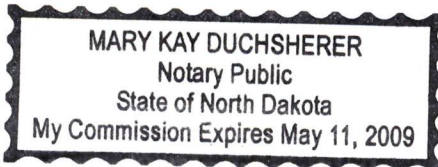
MELISSA K SCHNEIDER

Subscribed and sworn to before me this 9th day of April, 2008.

(SEAL)

Mary Kay Duchscherer

Notary Public, State of North Dakota



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF OTTER TAIL)
CORPORATION/MINNKOTA POWER)
COOPERATION LUVERNE TO MAPLE)
RIVER ELECTRIC TRANSMISSION)
LINE APPLICATION)

Docket No. PU-08-48

RULE 3.2 NOTICE OF PETITION TO INTERVENE

TO ALL PARTIES AND THEIR ATTORNEYS:

YOU WILL PLEASE TAKE NOTICE That the undersigned has made and filed a Petition to Intervene pursuant to Rule 3.2 of the North Dakota Local Rules of Court, a copy of which Petition with Brief is herewith served upon you.

Pursuant to Rule 3.2, you have ten (10) days after service of the Petition within which to serve and file an answer Brief and other supporting papers. Upon the filing of Briefs, or upon the expiration of the time for filing, the Petition is deemed submitted to the Court unless you or any other party requests a hearing on the Petition. A request for a hearing must be made no later than five (5) days after expiration of the time for filing Briefs.

If you fail to file Brief, it is an admission by you that, in your opinion, the Petition is meritorious. Upon failure to file a Brief by you, the Court may, without further notice to you, Grant the relief requested in the Request.

Oral argument is not requested by the moving party at this time.

Dated this 9th day of April, 2008.



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(701) 663-9818

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF OTTER TAIL)
CORPORATION/MINNKOTA POWER)
COOPERATION LUVERNE TO MAPLE) Docket No. PU-08-48
RIVER ELECTRIC TRANSMISSION)
LINE APPLICATION)

**PETITION TO INTERVENE OF RES AMERICAS DEVELOPMENT INC AND
PEAK WIND DEVELOPMENT LLC**

RES Americas Inc. (RES Americas) and PEAK Wind Development LLC (PEAK Wind), pursuant to Section 69-02-02-05 of the North Dakota Administrative Code Title 69, hereby petition to intervene in the above-captioned proceeding. In support of its petition, RES Americas and PEAK Wind respectfully show the following:

1. Names, titles and mailing addresses of the persons who should be served with communications concerning this motion are:

Thomas D. Kelsch
Counsel for RES Americas Development Inc. and PEAK Wind Development LLC
PO Box 1266
103 Collins Ave
Mandan, ND 58554-7266
tdkelsch@kelschlaw.com
701-663-9818

2. PEAK Wind consists of eighty (80) Barnes County landowners who are the shareholders of PEAK Wind. These landowners/shareholders own approximately 30,000 acres of land in Barnes County spanning 20 miles and including parcels in 6 townships.

3. PEAK Wind was started over a year ago by North Dakota landowners who decided to look into the development of renewable and ecologically-friendly wind energy.

4. PEAK Wind hired Jay Haley, President of EAPC Architect Engineers, Grand Forks, North Dakota to do a wind study concerning the feasibility of developing a wind farm on the PEAK Wind property.
5. The wind feasibility study conducted by Mr. Haley was very favorable for a wind farm.
6. RES Americas has been developing, constructing, owning and operating wind farms in the US for more than a decade.
7. RES Americas has grown into one of the United States' leading wind farm developers. RES Americas has actively participated in developing more than 12% of the installed wind power capacity in the United States. RES Americas currently ranks second in number of total mega watts constructed in North America.
8. RES Americas is currently headquartered in Broomfield, CO, and has regional offices in Austin, TX, Portland, OR, and Minneapolis, MN.
9. RES Americas currently has 159 full time employees and is one of the fastest growing wind energy development companies in the world.
10. RES Americas has developed or constructed more than 3,400 megawatts of wind energy in six states: Kansas, Nebraska, Wyoming, California, Texas, and Washington.
11. RES Americas has more than 14,000 mega watts under development.
12. RES Americas and PEAK Wind will jointly develop a wind farm on property owned by PEAK Wind members.
13. The PEAK Wind farm has a purchasing maximum wind generating capacity of 400 megawatts of power.

14. On October 16, 2007, PEAK Wind filed with the Midwest Independent Transmission System Operator, Inc. (MISO) a request to interconnect to the interstate electric transmission grid at Otter Tail's Buffalo Substation, located in Cass County, North Dakota.
15. On March 18, 2008, Otter Tail Corporation (Otter Tail) and Minnkota Power Cooperation (Minnkota) filed with the Commission an Application for a Waiver of Procedures and Time Schedules and Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for a 56.6-mile, 230 kV electric transmission line to be constructed from a proposed substation (to be located in Ellsburly Township, Barnes County, North Dakota) to the existing Maple River substation, near Fargo, Cass County, North Dakota (Proposed Transmission Line).
16. The Proposed Transmission Line would originate approximately 500 yards away from the PEAK Wind property in Barnes County and would be located within close proximity to Peak Wind's requested location of interconnection on Otter Tail's transmission system.
17. RES Americas and PEAK Wind have a significant financial interest as well as a legal interest which may be substantially affected by the siting of the Proposed Transmission Line.
18. RES Americas and PEAK Wind request that the Commission (i) grant their intervention in this proceeding and (ii) allow them an opportunity to serve Otter Tail and Minnkota with formal discovery requests on concerning the issues raised by the Otter Tail on the application in this matter. It is estimated that this discovery would take no more than 60 days.
19. RES Americas and PEAK Wind request the Commission establish a scheduling conference immediately upon the granting of the intervention to schedule discovery and any other preliminary matters provided for under Rule 69-20-03 ND Adm Rules.
20. Intervention by RES Americas and PEAK Wind will not unduly burden or unduly delay the proceedings.

21. RES Americas and PEAK Wind intend to present written and/or oral testimony in this matter in the near future and requests that the Commission schedule a formal hearing in this matter after discovery is completed.
22. RES Americas and PEAK Wind have an interest regarding the application filed in Docket No. PU-08-48 by Otter Tail and Minnkota on March 18, 2008. .
23. RES Americas and PEAK Wind have a direct and substantial interest in this proceeding, which may be adversely affected by the Commission's findings and conclusions in this matter. RES Americas and PEAK Wind allege that they cannot be adequately represented by existing parties, that they have a right to intervene, and that their intervention is in the public interest.
24. RES Americas and PEAK Wind are not opposed to the construction and siting of the Proposed Transmission Line. However, if RES Americas and PEAK Wind Development LLC are not permitted to interconnect with the Proposed Transmission Line, RES Americas and PEAK Wind will be adversely affected.
25. It is the position of RES Americas and PEAK Wind that Otter Tail is required to file a petition for Public Convenience and Necessity (PCN) and that the Commission should hold hearings on PCN for the Proposed Transmission Line before issuing a corridor certificate and route permit.
26. NDCC 49-04-07 prohibits any public utility from making or giving any undue or unreasonable preference or administering to any particular person, company, firm, or corporation. Absent discovery and a hearing, it would be difficult, if not impossible, for the Commission to determine, (among other things), whether Otter Tail will confer an undue preference on one or more particular wind generators, while unduly discriminating against others, if the Proposed Transmission Line is approved.

27. Otter Tail and Minnkota admit that the Proposed Transmission Line is not included in either utility's Ten-Year Plan on file with the Commission. Otter Tail and Minnkota submit that they will update the Ten-Year-Plans by July 2008. The Commission and the public should know and why the proposed line is not included in Otter Tail's and Minnkota's Ten-Year-Plans, and how the Proposed Transmission Line fits within Otter Tail's and Minnkota's Ten-Year-Plans. The updated Ten-Year-Plans should be filed before the Commission acts on the instant application. In fact, RES and PEAK Wind urge the Commission to require that Otter Tail and Minnkota establish the extent to which the Proposed Transmission Line is the result of coordination with neighboring utilities so as to provide a coordinated regional plan for meeting the utility and transmission needs of the region as required by NDCC 49-22-04.

WHEREFORE, RES and PEAK Wind request that they be permitted to intervene in the above-referenced proceeding.

Respectfully submitted,

RES Americas Development Inc. and PEAK Wind
Development LLC

By 

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and PEAK Wind Development LLC
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Dated: April 9, 2008