

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Minnkota Power Cooperative, Inc.
Pillsbury-Fargo 230 kV Transmission Line
Siting Application

Case No. PU-08-048

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Janet Marquart deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **25th day of April, 2008**, she deposited in the United States Mail, Bismarck, North Dakota, **46** envelopes by first class mail, fully prepaid, securely sealed and containing a photocopy of:

**NOTICE OF FILING AND NOTICE OF HEARING
ORDER DENYING INTERVENTION**

The envelopes were addressed as follows:

See attached list of Legislators, County Commissioners, County Auditors and City Mayors.

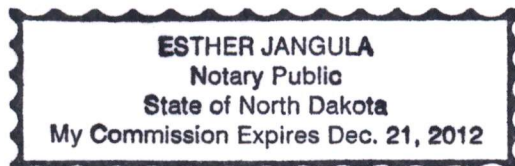
Each post office address shown is the respective addressee's last reasonably ascertainable mailing address.

Subscribed and sworn to before me
this **25th day of April, 2008**.

Janet Marquart

Esther Jangula
Notary Public

SEAL



Edward McGough
Barnes County Auditor
Barnes County Courthouse 230 4th Street
Valley City ND 58072

Cindy Schwehr
Barnes County Commission Chair
Barnes County Courthouse 230 4th Street
Valley City ND 58072-2947

Michael Montplaisir
Cass County Auditor
PO Box 2806
Fargo ND 58108-2806

Ken Pawluk
Cass County Commission, Chair
PO Box 2806
Fargo ND 58108-2806

Mary Ekstrom
District 11 Representative
1450 River Road South
Fargo ND 58103-4325

Scot Kelsh
District 11 Representative
1502 6th St. S.
Fargo ND 58103-4212

Tim Mathern
District 11 Senator
429 16th Ave. S.
Fargo ND 58103-4329

Kim Koppelman
District 13 Representative
513 First Ave. NW
West Fargo ND 58078-1101

Alon Wieland
District 13 Representative
PO Box 412
West Fargo ND 58078-0412

Judy Lee
District 13 Senator
1822 Brentwood Court
West Fargo ND 58078-4204

Ole Aarsvold
District 20 Representative
709 155th Ave. SE
Blanchard ND 58009-9513

Lee Kaldor
District 20 Representative
PO Box 215
Mayville ND 58257-0215

Elroy N. Lindaas
District 20 Senator
735 153rd Ave NE
Mayville ND 58257-9673

Jasper Schneider
District 21 Representative
1418 Third Ave. S.
Fargo ND 58103-1602

Steve Zaiser
District 21 Representative
802 Seventh St. S.
Fargo ND 58103-2706

Carolyn Nelson
District 21 Senator
1 Second St. S. #5-402
Fargo ND 58103-1959

Vonnie Pietsch
District 22 Representative
PO Box 651
Casselton ND 58012-0651

Wesley R. Belter
District 22 Representative
15287 47th St. SE
Leonard ND 58052-9763

Gary A. Lee
District 22 Senator
PO Box 3
Casselton ND 58012-0003

Benjamin A. Vig
District 23 Representative
12248 15th St. NE
Aneta ND 58212-9403

Don Vigesaa
District 23 Representative
PO Box 763
Cooperstown ND 58425-0763

Joan Heckaman
District 23 Senator
322 Second Ave. N.
New Rockford ND 58356-1712

Randy Boehning
District 27 Representative
825 42nd St. SW #211
Fargo ND 58103-1143

Lee Myxter
District 27 Representative
1112 54th Ave. S.
Fargo ND 58104-6453

Jim Pomeroy
District 27 Senator
1848 52nd St. S.
Fargo ND 58103-7748

Al Carlson
District 41 Representative
2548 Rose Creek Parkway South
Fargo ND 58104-6699

Bette Grande
District 41 Representative
3510 42nd Ave. S.
Fargo ND 58104-6669

Tony Grindberg
District 41 Senator
2832 39½ Ave. S.
Fargo ND 58104-7014

Donald L. Clark
District 44 Representative
3001 Hickory St.
Fargo ND 58102-1747

Blair Thoreson
District 44 Representative
1246 2ns St. N.
Fargo ND 58102-2723

Tim Flakoll
District 44 Senator
1350 2nd St. N.
Fargo ND 58102-2725

Rick Berg
District 45 Representative
PO ox 3024
Fargo ND 58108-3024

Edmund Gruchalla
District 45 Representative
3256 Evergreen Circle
Fargo ND 58102-1213

Tom Fiebiger
District 45 Senator
6432 N. 13th St.
Fargo ND 58102-6011

Kathy Hawken
District 46 Representative
503 Southwood Drive
Fargo ND 58103-6033

Jim Kasper
District 46 Representative
1128 Westrac Drive
Fargo ND 58103-2342

Tom Fischer
District 46 Senator
1524 Sundance Square S
Fargo ND 58104-7606

City of Amenia
Mayor
203 Alley St.
Amenia ND 58004

City of Arthur
Mayor
PO Box 161
Arthur ND 58006

City of Fargo
Mayor
200 N. 3rd St.
Fargo ND 58102

City of Luverne
Mayor
PO Box 144
Luverne ND 58056

City of Pillsbury
Mayor
PO Box 31
Pillsbury ND 58065

City of West Fargo
Mayor
800 4th Ave. East
West Fargo ND 58078

City of Page
Mayor
PO Box 62
Page ND 58064

City of Reile's Acres
Mayor
4635 35th Ave N Route 2
Reile's Acres ND 58108

Jane Amundson
Steele County Commission Chair
201 Washington Ave W. PO Box 275
Finley ND 58230-0275

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Minnkota Power Cooperative
Pillsbury-Fargo 230 kV Transmission Line
Siting Application**

Case No. PU-08-48

NOTICE OF FILING AND NOTICE OF HEARING

April 21, 2008

On March 18, 2008 Minnkota Power Cooperative, Inc. (Minnkota) and Otter Tail Corporation d/b/a Otter Tail Power Company (Otter Tail) filed an application for waiver of procedures and time schedules, and a consolidated application for a certificate of corridor compatibility and a route permit authorizing construction of a 230,000 volt (230 kV) electric transmission line and associated facilities. On April 17, 2008 the application was amended with a revised corridor and route proposal and with notification that Otter Tail wishes to withdraw as an applicant because it is no longer an owner of the project. The revised project consists of approximately 61.6 miles of proposed 230 kV electric transmission line and associated facilities in Barnes, Cass and possibly Steele Counties of North Dakota as shown on the attached map.

The waiver application requests the Commission waive, pursuant to North Dakota Century Code (NDCC) section 49-22-07.2, procedures and time schedules set forth in NDCC sections 49-22-08, 49-22-08.1, 49-22-13 and ND Administrative Code section 69-06-01-02 and hold a single consolidated hearing on the waiver application and the consolidated application for corridor certificate and route permit.

The Commission finds the amended applications complete on the condition that a map showing proposed final transmission line structure locations is filed on or before May 15, 2008.

The issues to be considered in this proceeding are:

1. Will the location, construction, and operation of the proposed electric transmission line produce minimal adverse effects on the environment, natural resources, and upon the welfare of the citizens of North Dakota?
2. Is the proposed electric transmission line compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed electric transmission line corridor and route minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and


ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

4. Is it appropriate for the Commission to waive the procedures as requested in the application including the request for a single consolidated application for Corridor Certificate and Route Permit?

A **public hearing** on these matters is scheduled to begin **May 22, 2008 at 10:00 a.m. CDT** in the **City Hall Auditorium, 702 1st St. N., Casselton, North Dakota 58012.**

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Illona A. Jeffcoat-Sacco, Executive Secretary at least 24 hours in advance.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Susan E. Wefald
President



Kevin Cramer
Commissioner

Pillsbury-Fargo Generation Outlet

Minnkota Power

MPC COOPERATIVE, INC.

Your Touchstone Energy® Partner

STEELE
COUNTY

TRAILL
COUNTY

GRIGGS
COUNTY

Proposed Pillsbury Substation

LUVERNE

PILLSBURY

Corridor

PAGE

Proposed Route

BARNES
COUNTY

CASS
COUNTY

AMENIA

NORTH DAKOTA
MINNESOTA

VALLEY CITY

Existing Maple River Substation

REILES ACRES

FARGO

Legend

- Substation
- Proposed Route
- ▨ Corridor Limit
- ▭ County Boundary

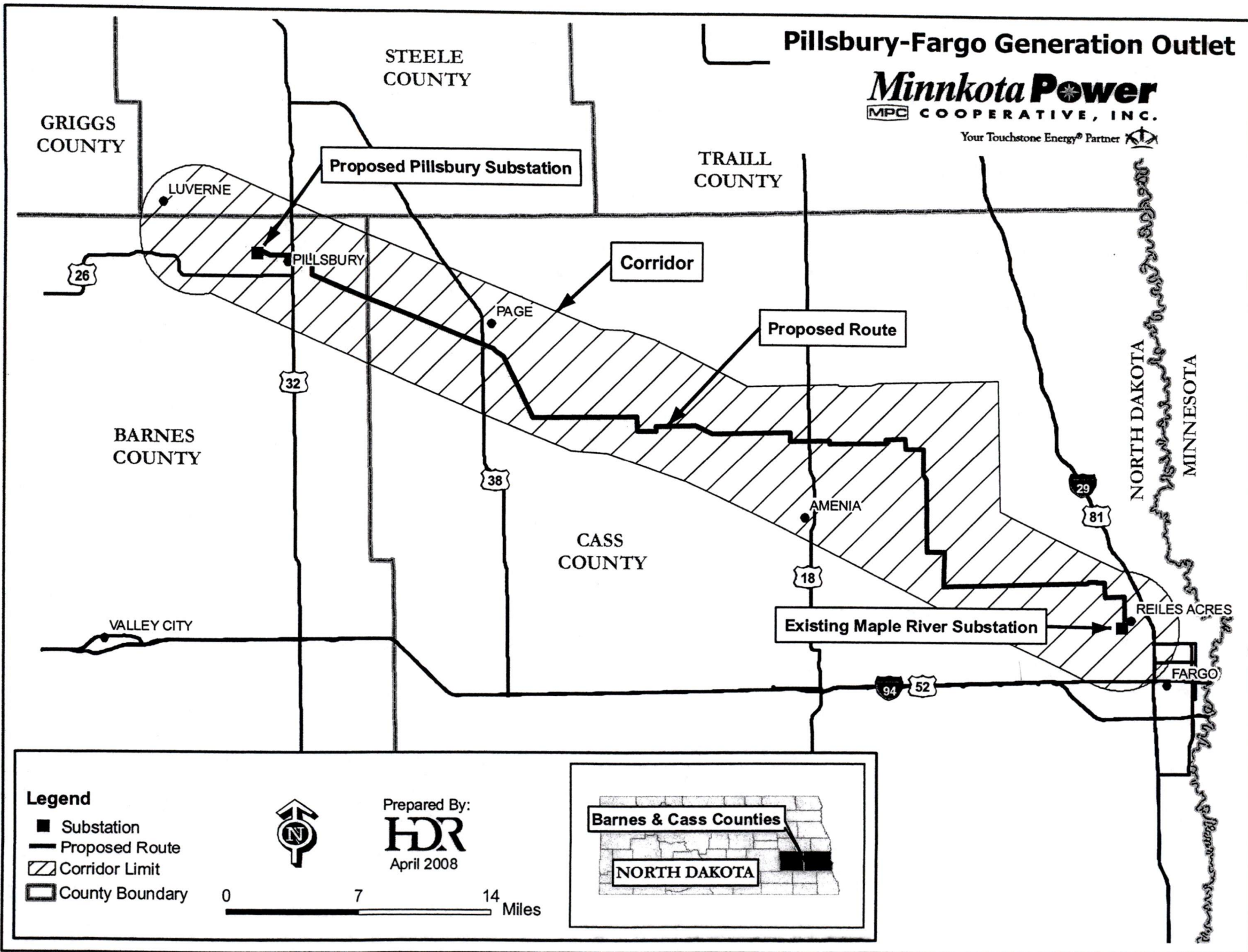


Prepared By:
HDR
April 2008

0 7 14 Miles

Barnes & Cass Counties

NORTH DAKOTA



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Minnkota Power Cooperative, Inc.
Pillsbury-Fargo 230 kV Transmission Line
Siting Application**

Case No. PU-08-48

ORDER DENYING INTERVENTION

April 23, 2008

Background

On March 18, 2008 Otter Tail Power Company ("Otter Tail") and planned joint partner Minnkota Power Cooperative, Inc. ("Minnkota") filed a joint application for a waiver of procedures and time schedules, and consolidated application for a certificate of corridor compatibility and a route permit ("Application") authorizing construction of approximately 56.6 miles of 230 kV electric transmission line located in Cass, Barnes and possibly Steele Counties of North Dakota, Case NO. PU-08-48.

On April 9, 2008 RES Americas, Inc. ("RES Americas") and Peak Wind Development LLC ("PEAK Wind") also jointly referred to as ("Petitioners") filed a petition to intervene in the captioned proceeding. Petitioners request that the Commission grant their intervention and allow them an opportunity to serve Otter Tail and Minnkota with formal discovery requests. Petitioners estimate that discovery would take no more than 60 days.

Petitioners state they will jointly develop a wind farm on property owned by PEAK Wind members, and that on October 16, 2007, PEAK Wind filed with the Midwest Independent Transmission System Operator, Inc. ("MISO") a request to interconnect to the interstate transmission grid at Otter Tail's Buffalo Substation located in Cass County, North Dakota. Petitioners also state that 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.

Petitioners state that it is their position that Otter Tail is required to file a petition for a Certificate of Public Convenience and Necessity (CPCN) and that the Commission should hold hearings on the CPCN application for the proposed transmission line before issuing a corridor certificate and route permit.

Petitioners state that they have a direct and substantial interest in this proceeding, and that if they are not permitted to interconnect with the proposed transmission line, they will be adversely affected. Petitioners 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. Petitioners state that their intervention will not unduly burden or unduly delay the proceedings.

Petitioners state that the proposed transmission line is not included in either OTP's or Minnkota's ten year plans. Petitioners urge the Commission to require updated ten year plans be filed before the Commission acts on the application.

Petitioners state that they are not opposed to the construction and siting of the proposed transmission line.

On April 17, 2008, Minnkota, with the concurrence of Otter Tail, filed an Amendment to the Application with a revised corridor and route proposal and with notification that Otter Tail wishes to withdraw as an applicant because it is no longer an owner of the project. The revised project consists of approximately 61.6 miles of proposed 230 kV electric transmission line and associated facilities in Barnes, Cass and possibly Steele Counties of North Dakota.

On April 18, 2008 Minnkota filed its objection to the petition for intervention and a motion to dismiss the petition for intervention or in the alternative a motion for expedited hearing.

Minnkota objects to Petitioners' intervention request for the reason that Petitioners present no valid basis for intervening in the proceeding. Minnkota states that Petitioners' request for intervention raises no issues related to siting, and that to the extent their filing raises any issues, those issues are transmission access issues that need to be properly addressed to the MISO or the Federal Energy Regulatory Commission ("FERC").

Minnkota argues that allowing the intervention would result in the delay of projects for generators of electricity who have made the necessary interconnection requests and initiated transmission studies for such interconnections. Minnkota states that time is of the essence in this proceeding. The transmission facilities for which the certificate and permit are requested are necessary to connect new wind facilities which developers seek to bring on-line by December 31, 2008 in order to benefit from the Federal Production Tax Credit.

Minnkota states that the petition to intervene fails to satisfy the requirements of Chapter 69-02-02-05 of the North Dakota Administrative Code in that the Petitioners have no statutory right to intervene, they have failed to state any basis for intervention, and granting intervention would unduly delay the application pending in this proceeding. Furthermore, the Petitioners state that they are not opposed to the construction and siting of the proposed transmission line.

At a special commission meeting held on April 21, 2008, the Commission acknowledged the withdrawal of Otter Tail as an applicant in this proceeding and issued a Notice of Filing and Notice of Hearing on the Application.

Discussion

Section 69-02-02-05 of the North Dakota Administrative Code provides in part that "[a]ny person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding, or the petitioner has a legal interest which may be substantially affected by the proceeding, and intervention would not unduly broaden the issues or delay the proceeding."

Subsection 1 of ~~section 69-02-02-05~~ states in part that the petition to intervene must set forth the grounds for intervention, the position and interest of the petitioner, what the petitioner would contribute to the hearing, and whether the petitioner's position is in support of or in opposition to the relief sought.

The Petitioners fail to satisfy the first requirement of section 69-02-20-05 because they fail to state a substantial interest in the proceeding. The interest that they seek to protect is the right to interconnect to the transmission line. Interconnection is not an issue that can be addressed in a siting application under chapter 49-22.

Likewise, Petitioners have not shown that they have a statutory right to be a party to the proceeding, nor that they have a legal interest which may be substantially affected by the proceeding. The interest that the parties have is for interconnection, and interconnection is not an issue that is determined in a siting proceeding.

Petitioners state that a CPCN is required for construction of the transmission line. Under Chapter 49-03 of the North Dakota Century Code, a CPCN is required before an electric public utility can construct the transmission line. Otter Tail has withdrawn as an applicant in this proceeding. Minnkota is an electric generation and transmission cooperative under Chapter 10-13 of the North Dakota Century Code that does not need a CPCN under Chapter 49-03 to construct an electric transmission line.

The Petitioner's argument concerning the Applicants' failure to update ten-year plans to include the proposed transmission line does not constitute grounds for granting the intervention. The ten year plans are filed annually with the most recent information available. There is no requirement for updating between annual filings.

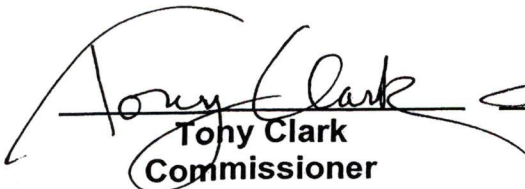
Petitioners state in paragraph 24 of their petition that they "are not opposed to the construction and siting of the Proposed Transmission Line."

We find that Petitioners' request fails to set forth any grounds for intervention and would likely unduly broaden the issues or delay the proceeding.

Order

The Commission Orders that the request for intervention filed by the Petitioners is DENIED.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Susan E. Wefald
President


Kevin Cramer
Commissioner