

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Viking Gas Transmission Company) Docket No. CP09-69-000

**NOTICE OF INTERVENTION, COMMENTS,
AND REQUEST FOR TIMELY ACTION
BY THE NORTH DAKOTA PUBLIC SERVICE COMMISSION**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2009), the North Dakota Public Service Commission (NDPSC) submits its Notice of Intervention, Comments and Request for Timely Action in the captioned proceeding, which involves a prior notice request by Viking Gas Transmission Company (Viking) for the expansion of a lateral on its system that delivers natural gas to Northern States Power Company, a Minnesota Corporation (NSP) providing local distribution service in the neighboring cities of Fargo, North Dakota and Moorhead, Minnesota, and the surrounding communities (Fargo Area). The NDPSC respectfully requests that the Commission act on Viking's prior notice request no later than June 1, 2009 in order to protect the provision of adequate natural gas service to the Fargo Area customers during the 2009-2010 winter heating season.

I. NOTICE OF INTERVENTION

All correspondence and communication concerning this proceeding should be directed to:

Illona A. Jeffcoat-Sacco
Special Assistant Attorney General
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

The NDPSC is a three-member body created by the Constitution of the State of North Dakota and statutorily charged with the duty to regulate natural gas utility safety, services, and rates in North Dakota. The NDPSC is also empowered to participate in federal administrative proceedings affecting utility rates or service in North Dakota. The NDPSC is a "State Commission" as defined in 18 C.F.R. § 1.101(k). NDPSC's principal place of business is located at: North Dakota Public Service Commission, State Capitol Building, 600 East Boulevard Avenue, 12th Floor; Bismarck, ND 58505-0480.

On February 26, 2009, Viking filed a prior notice request pursuant to Part 157 of the Commission's regulations under the Natural Gas Act (NGA) and Viking's blanket certificate issued in Docket No. CP82-414, for authorization to construct, own, and operate an expansion to an existing lateral terminating at the Fargo, North Dakota city gate (Fargo Area Lateral) and to abandon the existing Fargo Area Lateral pipeline facilities that are to be replaced. Specifically, Viking proposes to expand its Fargo Area Lateral pipeline facilities by constructing and operating, in two segments, approximately 9.98 miles of a 12-inch diameter natural gas pipeline to replace 9.98 miles of 8-inch diameter natural gas pipeline to be abandoned in place, all in Clay County, Minnesota and Cass County, North Dakota.

By order of March 12, 2009, the Commission established May 11, 2009 as the date by which timely interventions are to be filed. This Notice of Intervention is therefore timely and the NDPSC is entitled to intervention as of right pursuant to Rule 214 (a)(2). In addition, as the agency responsible for regulating NSP's provision of natural gas distribution service in North Dakota, the NDPSC has a direct and substantial interest in this proceeding that would not be represented adequately by any other party.

COMMENTS AND REQUEST FOR TIMELY ACTION

Reliability of the utility services it regulates is of primary importance to the NDPSC. The NDPSC understands that NSP requires additional upstream transportation resources to ensure reliable firm service in the Fargo area for the 2009-2010 winter heating season, and that NSP and Viking have entered into a precedent agreement for an expansion of the Fargo Area Lateral to meet that need. NSP has informed the NDPSC that absent the timely completion of the expansion of the Fargo Lateral, or other arrangements for costly interim supplies, NSP will be short capacity in the 2009-2010 winter during peak hours on cold days in the Fargo area.

The NDPSC is concerned that construction of the Fargo Area Expansion may be delayed beyond the 2009-2010 winter if Viking's prior notice request is allowed automatically to convert to a request for an individual certificate. The NDPSC understands that such conversion would occur if the protest of We Energies is not withdrawn or denied by June 12, 2009. The NDPSC has been

further informed that Viking requires authorization in early June in order to complete construction for the coming winter.

Therefore, the NDPSC respectfully requests that the Commission act without delay to ensure the provision of adequate natural gas service to the Fargo area for the coming heating season.

Respectfully submitted this 11th day of May 2009.



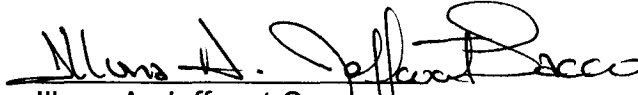
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Bismarck, North Dakota this 11th day of May, 2009.



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