



**Joel Gilbertson**

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April 15, 2010

**RECEIVED**

APR 15 2010

**PUBLIC SERVICE COMMISSION**

**HAND DELIVERED**

Mr. Darrell Nitschke, Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

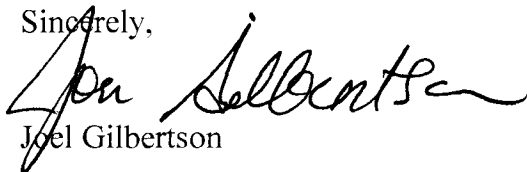
**Re: Filing of Petition to Intervene  
Otter Tail Power Company  
Advance Determination of Prudence – CapX2020 Group 1  
Application**

**Case No. PU-09-676**

Dear Mr. Nitschke:

Enclosed for filing in the above-entitled matter is the original and seven copies of the Petition to Intervene, along with an Affidavit of Service by Mail and E-Mail.

Sincerely,



Joel Gilbertson

JWG/jk

Enclosure

cc: See Affidavit of Service by Mail and E-Mail

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**22 PU-09-676** Filed: 4/15/2010 Pages: 7  
**Petition to Intervene with copy of Cover Letter for  
Case No. PU-09-678**

Citizens for Community Vision

Joel Gilbertson

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Otter Tail Power Company**

**Advance Determination of Prudence – CapX2020 Group 1  
Application**

**Case No. PU-09-676**

**Northern States Power Company**

**Advance Determination of Prudence – CapX2020 Group 1  
Application**

**Case No. PU-09-678**

**PETITION TO INTERVENE**

Pursuant to § 69-02-02-05 of the North Dakota Administrative Code, Citizens for Community Vision, a North Dakota nonprofit corporation, hereby petitions to intervene in the above-captioned proceedings. In support of this Petition, Citizens for Community Vision states and alleges as follows:

1. On March 24, 2010, the Public Service Commission (“Commission”) issued a Notice of Hearing in these matters. The Notice of Hearing provides for a hearing on May 24, 2010 to consider the following issues with regard to four (4) proposed high-voltage transmission line projects:
  - a. Whether the resource addition is reasonable and prudent.
  - b. Whether the applicants have need for additional transmission resources.
  - c. What alternatives exist for meeting additional transmission needs.

The Notice of Hearing further provides that all petitions to intervene must be filed by April 16, 2010. Although Section 69-02-02-05(2) of the North Dakota Administrative Code provides that petitions to intervene are not due until ten (10) days prior to the hearing, this Petition is being filed by April 16, 2010 in order to comply with the timeframe set out in the Commission’s Notice of Hearing.

2. Citizens for Community Vision (“CCV”) is a North Dakota nonprofit corporation formed in 2010 to promote the sound and prudent design, siting, construction,

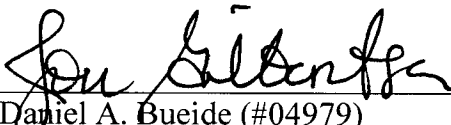
operation, and maintenance of electric transmission lines and other utilities and public infrastructure in Cass County, North Dakota and Clay County, Minnesota. Its principal place of business is Fargo, North Dakota.

3. CCV is, in part, comprised of landowners in Cass County, North Dakota and Clay County, Minnesota that will be directly impacted by one of the routes proposed for the transmission lines at issue in this matter because one of those routes would cross or pass very near their properties. Clearly, these landowners whose property may be subject to a taking in order to provide for the transmission lines, or whose homes and/or other property may be located very near to the transmission lines, may be adversely affected by the proposed routes of transmission lines and, therefore, they have legal and substantial interests which may be substantially affected by the proceedings. CCV is also comprised of persons who would be otherwise affected by the specific route constructed and utilized for the CapX2020 project in North Dakota. Some members of CCV will be impacted to some degree if either of the currently proposed routes for these transmission lines comes to fruition. The intervention would not unduly broaden the issues or delay the proceedings. Therefore, CCV has a legal and substantial interest in these matters and hereby seeks to intervene.
4. CCV has no opposition or position on whether the resource addition sought is reasonable and prudent and has no opposition to the need for the CapX2020 project. However, CCV does oppose a portion of the proposed route suggested by the CapX2020 Group in the 250-mile long, 345 kV transmission line between Fargo, North Dakota and the northwest quadrant of the Twin Cities in Minnesota, namely the leg of that route travels westerly from Interstate 94 in Clay County, Minnesota and to

and through yet unspecified portions of the Fargo/Moorhead metro area. At some time in the future of these proceedings, CCV reserves the right to present evidence that one of the current routes proposed, or portions thereof, would negatively impact the property upon which they would be placed, would negatively impact the value of that property, and/or would negatively impact the health and welfare of people living and businesses located near these transmission lines.

5. CCV has a direct and substantial interest in these proceedings that will be affected by the Commission's findings and conclusions in these matters. CCV is not adequately represented by existing parties, has a right to intervene, and its intervention is in the public interest. CCV should be allowed to become and remain a party to these proceedings and to present evidence, cross-examine witnesses, and offer rebuttal or supporting evidence, if necessary.
6. CCV requests the right to intervene in these matters and to become a party to these proceedings. Further, CCV requests that its attorneys are added to the official service list with regard to these proceedings and that it is served with any additional filings in the future.

Dated this 15<sup>th</sup> day of April, 2010.

  
Daniel A. Bueide (#04979)  
Joel W. Gilbertson (#03273)  
Vogel Law Firm  
218 NP Avenue  
PO Box 1389  
Fargo, ND 58107-1389  
Telephone: (701) 237-6983  
Fax: (701) 356-6395

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Otter Tail Power Company  
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**AFFIDAVIT OF SERVICE BY MAIL AND E-MAIL**

STATE OF NORTH DAKOTA    )  
  )   SS  
COUNTY OF BURLEIGH        )

The undersigned, being duly sworn, deposes and says that: I am a United States citizen, over 18 years of age, and on April 15, 2010, I served a copy of the attached:

Petition to Intervene re: Case No. PU-09-676

by placing a true copy in a postage paid envelope or envelopes addressed to each person named below, at the address stated below, which is the last known address of the addressee, and by depositing said envelope in the United States mail at Bismarck, North Dakota, and each e-mail address is the last known electronic mail address:

Mr. Lawrence Bender  
Fredrickson & Byron, P.A.  
200 N. 3<sup>rd</sup> St., Ste. 150  
P.O. Box 1855  
Bismarck, ND 58502-1855  
[lbender@fredlaw.com](mailto:lbender@fredlaw.com)

Mr. Zeviel T. Simpser  
Briggs and Morgan  
2200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402-2157  
[zsimpser@briggs.com](mailto:zsimpser@briggs.com)

Ms. Priti R. Patel  
Xcel Energy Services Inc.  
414 Nicollet Mall, 5<sup>th</sup> Floor  
Minneapolis, MN 55401  
[priti.r.patel@xcelenergy.com](mailto:priti.r.patel@xcelenergy.com)

Mr. Mark Bring  
Otter Tail Power Company  
215 S. Cascade St.  
P.O. Box 496  
Fergus Falls, MN 56538-0496  
[mbring@ottertail.com](mailto:mbring@ottertail.com)

Mr. Michael C. Krikava  
Briggs and Morgan, P.A.  
2200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402-2157  
[mkrikava@briggs.com](mailto:mkrikava@briggs.com)

Ms. Illona A. Jeffcoat-Sacco  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480  
[ijs@nd.gov](mailto:ijs@nd.gov)

James Alders  
Northern States Power  
Xcel Energy  
414 Nicollet Mall, 7<sup>th</sup> Floor  
Minneapolis, MN 55401  
[james.r.alders@xcelenergy.com](mailto:james.r.alders@xcelenergy.com)

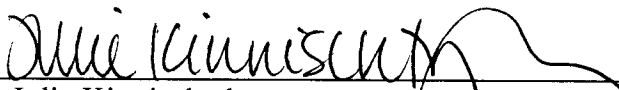
Dean Pawlowski  
Otter Tail Power Company  
P.O. Box 496  
Fergus Falls, MN 56538  
[dpawlowski@otpc.com](mailto:dpawlowski@otpc.com)

Dave Sederquist  
Xcel Energy  
P.O. Box 2747  
Fargo, ND 58108-2747  
[dave.sederquist@xcelenergy.com](mailto:dave.sederquist@xcelenergy.com)

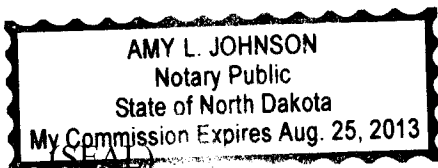
Bernadeen Brutlag  
Otter Tail Power Company  
215 S. Cascade St.  
P.O. Box 496  
Fergus Falls, MN 56538  
[bbrutlag@otpc.com](mailto:bbrutlag@otpc.com)

And it is further certified that the original Petition to Intervene and Affidavit of Service were the same day hand delivered to the following address:

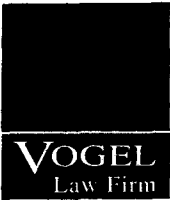
Mr. Darrell Nitschke, Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

  
\_\_\_\_\_  
Julie Kinnischtzke

Subscribed and sworn to before me this 15 day of April, 2010.



  
\_\_\_\_\_  
Notary Public, Burleigh County, North Dakota



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