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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

**In the Matter of : Application for
Advance Determination of Prudence
for the CapX2020 Group 1 Transmission
Projects by Northern States Power
Company ("Xcel") and Otter Tail Power
Company.**

**Case Nos. PU-09-676 & and
PU-09-678**

**PETITION TO INTERVENE
OF THE MIDWEST ISO**

The Midwest Independent System Operator ("the Midwest ISO"), pursuant to N.D.A.C. § 69-02-02-05 hereby petitions to intervene in the above-captioned proceedings. Recently, the Midwest ISO received a written communication from the North Dakota Public Service Commission ("Commission"), requesting the Midwest ISO participate by providing certain, critical technical and informational assistance that is primarily within the control of the Midwest ISO or its internal experts. A copy of that April 12, 2010 communication is attached hereto as Exhibit "A". As more fully set forth below, the presiding officers should grant the Midwest ISO's Petition because: (1) the Midwest ISO has a direct and substantial interest in the matters and issues presented in this docket; and (2) the Midwest ISO can and will be able to provide the Commission and other parties valuable and useful information related to the issues and shall do so in an independent, impartial manner. The Midwest ISO anticipates providing and presenting any information through a qualified witness who would testify under oath to assist the presiding officers and Commission in processing and understanding the issues presented in this proceeding.

In support of its request, the Midwest ISO shows as follows:

1. The Midwest ISO is the independent regional transmission operator, whose operational area or “footprint” consists of 13 states, including North Dakota, and the province of Manitoba. The Midwest ISO administers a common tariff that applies to all transmission services to ensure that the same set of rules applies to all transmission customers. Additionally, the Midwest ISO oversees and operates a wholesale energy market that provides non-discriminatory pricing for transmission services and the balancing of generation supply to assure demand is satisfied in a reliable and efficient manner while managing transmission congestion. The Midwest ISO is committed to reliability and, on a nondiscriminatory basis, operating of the bulk power transmission system, while working with all stakeholders to create the best, most cost-effective, and innovative solutions for the evolving electric industry, including coordinating regional transmission planning, refining workable interconnection processes, and establishing reasonable cost sharing methodologies.

2. One of the Midwest ISO’s obligations and functions is to pursue long-term, inclusive studies of transmission needs and expansion in the Midwest ISO footprint. The Midwest ISO is actively involved in studying transmission needs and upgrades throughout the region, among other things, to increase the transfer capability in this region in order to provide additional load-serving opportunities to meet, among other things, renewable and demand response mandates, while continuing to accommodate existing as well as new generation resource needs. The facilities proposed in this proceeding are items that have been raised and considered as part of the Midwest ISO’s overall transmission expansion planning processes under the stakeholder influenced “Midwest ISO Transmission Expansion Plans”. As a result, the Midwest ISO can and

will address the proposals presented in the instant docket and the bases and impacts of transmission facilities generally.

3. The Midwest ISO also submits that it does not and can not have a bias in favor of or opposed to any particular form of energy, unlike at least some of the intervening parties which have stated policy agendas for specific forms or means of meeting electric service demands. The Midwest ISO is committed to working with the Commission to ensure the positive development of an open, transparent wholesale market-based transmission system for minimizing the overall costs of electric generation and transmission in the Midwest.

4. The undersigned attorney respectfully requests that he be permitted to appear on behalf of the Midwest ISO in the limited capacity set forth herein and as noted in attached Exhibit "A", pursuant to Section 69-02-01-06(2) of the Commission's rules of practice and procedure. The undersigned attorney represents and states that he is and has been a licensed attorney in good standing in the State of Indiana for more than twenty (20) years. Accordingly, correspondence and communications can and should be addressed on behalf of the Midwest ISO to:

Keith L. Beall
Senior Corp. Counsel - State Regulatory
Midwest ISO Legal Dept.
P.O. Box 4202
Carmel, IN 46082
(317) 249-5400
kbeall@midwestiso.org

5. It is the Midwest ISO's intention to present evidence and perspectives in these proceedings which is impartial, unbiased, and useful to the presiding officers, the

Commission, and to all parties, thereby allowing each to better understand and frame the issues in the docket and ultimately reach sound decisions. Therefore, the Midwest ISO respectfully requests that its motion to intervene be granted and that it be permitted to participate in this proceeding.

Dated: April 15, 2010.

Respectfully submitted,

Keith L. Beall

/s/ *Keith L. Beall*

Senior Corp. Counsel - State Regulatory

Midwest ISO Legal Dept.

P.O. Box 4202

Carmel, IN 46082

(317) 249-5400

kbeall@midwestiso.org

CERTIFICATE OF SERVICE

Keith L. Beall certifies that on the 15th day of April, 2010, he served a true and correct copy of the attached PETITION TO INTERVENE by e-mailing and where a mailing address has been provided by placing a copy in the United States mail with postage prepaid, addressed to the following individuals:

Mark Bring
Otter Tail Power Company
215 S Cascade St
PO Box 496
Fergus Falls, MN 56538-0496
mbring@ottertail.com

Zevial Simpser
Briggs and Morgan
2200 IDS Center
80 S 8th St
Minneapolis, MN 55402-2157
zsimpser@briggs.com

james.r.alders@xcelenergy.com
James Alders
Xcel Energy

dpawlowski@otpc.com
Dean Pawlowski
Otter Tail Power

dave.sederquist@xcelenergy.com
David H. Sederquist
Xcel Energy

bbrutlag@otpc.com
Bernadeen Brutlag
Otter Tail Power

regulatory.records@xcelenergy.com
SaGonna Thompson
Xcel Energy

pri.r.patel@xcelenergy.com
Priti Patel
Xcel Energy

lbender@fredlaw.com
Lawrence Bender
Fredrickson & Byron, PA

mkrikava@briggs.com
Michael Krikava
Briggs and Morgan

Keith L. Beall
/s/ Keith L. Beall

EXHIBIT A



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

April 12, 2010

Keith L. Beall
Senior Attorney - State Regulatory
Midwest ISO - Legal Dept.
P.O. Box 4202
Carmel, IN 46082-4202

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

RE: Otter Tail Power Company
Advance Determination of Prudence Application – CapX 2020 Group 1
Case No. PU-09-676

and

Northern States Power Company
Advance Determination of Prudence Application – CapX 2020 Group 1
Case No. PU-09-678

Dear Mr. Beall:

As you know, the Commission has received applications for advance determination of prudence for the CapX 2020 Group 1 Transmission Projects. Commission staff is writing to request that the Midwest Independent Transmission System Operator (Midwest ISO) consider intervening as a formal party in the above-referenced proceedings.

Applicants are requesting an advance determination of prudence for the construction of four high-voltage transmission line projects:

- A 345 kV line and associated equipment between Fargo, North Dakota and the Northwestern quadrant of the Twin Cities, Minnesota;
- A 345 kV line, associated system connections, and equipment between eastern South Dakota and the Southeast quadrant of the Twin Cities, Minnesota;
- A 345 kV line and associated system connections and equipment between the Southeast quadrant of the Twin Cities, Minnesota to La Crosse, Wisconsin; and
- A 230 kV line and associated equipment between Bemidji and Grand Rapids, Minnesota.

April 12, 2010

Keith Beall

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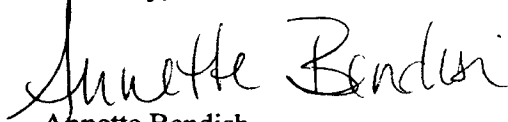
The record in this proceeding will include information and data that is directly impacted by, directly pertinent to or based on information and data gathered, compiled or generated by the Midwest ISO. The Commission, will be looking closely at this information and will be seeking expert explanations and information regarding this expected record evidence. For the reasons stated above, Commission Advisory staff urges the Midwest ISO to intervene as a formal Party in this case for informational purposes and also to consider providing an Expert Witness to sponsor testimony providing further explanations during the course of this proceeding. The Midwest ISO does not need to advocate for or against the project.

The purpose of the Midwest ISO's involvement, is to provide clear impartial background information, where needed, regarding electric transmission operations, markets and industry challenges as well as information directly pertinent to this case. I think that you will agree that in its oversight and planning role as the independent transmission system operator of the bulk transmission system in the Midwest region, together with its considerable overall energy expertise, the Midwest ISO is uniquely positioned to assess or comment on electric transmission proposals such as this.

The intervention deadline is April 16, 2010. The law regarding intervention in administrative proceedings is North Dakota Century Code 28-32-28 and the Commission's rule is North Dakota Administrative Code section 69-02-02-05. The hearing is scheduled for May 24 and 25 in the Commission Hearing Room, Enclosed is the Notice of Hearing. The hearing notice is enclosed.

Thank you for your consideration, and please feel free to contact me with any questions you may have.

Sincerely,



Annette Bendish

Legal Counsel, Commission Advisory Staff

c: Mark Bring, Otter Tail Power Company
Zeviel Simpser, Briggs and Morgan

Email copies: James Alders, Xcel Energy - james.r.alders@xcelenergy.com
Dean Pawlowski, Otter Tail Power - dpawlowski@otpc.com
David H. Sederquist, Xcel Energy - dave.sederquist@xcelenergy.com
Bernadeen Brutlag, Otter Tail Power - bbrutlag@otpc.com
SaGonna Thompson, Xcel Energy - regulatoryrecords@xcelenergy.com
Priti Patel, Xcel Energy - priti.r.patel@xcelenergy.com
Michael C. Krikava, Briggs and Morgan - mkrikava@briggs.com
Lawrence Bender, Fredrickson & Byron, PA - lbender@fredlaw.com

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

NOTICE OF HEARING

March 24, 2010

On October 5, 2009, Otter Tail Power Company (Otter Tail) filed an application for advance determination of prudence of Otter Tail's participation and ownership in three high-voltage transmission line projects, Case No. PU-09-676:

- A 250-mile long, 345 kV transmission line between Fargo, North Dakota and the northwest quadrant of the Twin Cities, Minnesota.
- A 200-mile long, 345 kV transmission line between eastern South Dakota and the southeast quadrant of the Twin Cities in Minnesota.
- A 68-mile long, 230 kV transmission line between Bemidji, Minnesota and Grand Rapids, Minnesota.

On October 5, 2009, Northern States Power Company (NSP) filed an application for advance determination of prudence of NSP's participation and ownership in the same three high-voltage transmission line projects and, in addition, a 150-mile long, 345 kV transmission line between La Crosse, Wisconsin and the southeast Twin Cities, Minnesota area and two associated 161 kV lines in the Rochester, Minnesota area, Case No. PU-09-678.

Otter Tail and NSP are requesting that the Commission determine the construction of the transmission projects to be reasonable and prudent in order to provide the basis for future rate stability proposals the companies may present to the Commission.

Anyone wishing to become a party to this proceeding must file a Petition to Intervene by April 16, 2010.

A consolidated public hearing on these two cases will be held beginning May 24, 2010 at 8:30 a.m. in the Commission Hearing Room, State Capitol, 12th Floor.

12 PU-09-676 Filed: 3/24/2010 Pages: 2
Notice of Hearing

11 PU-09-678 Filed: 3/24/2010 Pages: 2
Notice of Hearing

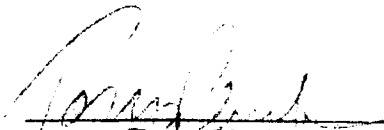
Bismarck, North Dakota 58505. You can listen to a broadcast of the hearings on the Commission's website at <http://www.psc.state.nd.us/psc/media/comm-live.html>.

Issues to be considered in each case are:

1. Whether the resource addition is reasonable and prudent.
2. Whether the applicants have need for additional transmission resources.
3. What alternatives exist for meeting additional transmission needs.

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 contact the Commission at least 24 hours in advance.

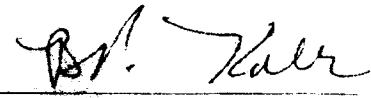
PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner