

BEFORE THE PUBLIC SERVICE COMMISSION
OF NORTH DAKOTA

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MAR 19 2010

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., a Division
of MDU Resources Group, Inc.
Discontinue Prudence Big Stone II
Application

Case Nos. PU-09-731; PU-09-733;
PU-09-739; PU-10-30

Montana-Dakota Utilities Co., a Division
of MDU Resources Group, Inc.
Deferred Accounting - Big Stone II
Application

PETITION TO INTERVENE

Otter Tail Power Company
Deferred Accounting - Big Stone II
Application

Otter Tail Power Company
Discontinue Prudence Big Stone II
Application

PETITION TO INTERVENE OF DAKOTA RESOURCE COUNCIL
AND MARK TRECHOCK

Pursuant to N.D.A.C. § 69-02-02-05, Dakota Resource Council and Mark Trechock (collectively, "DRC") hereby petition to intervene in the above-captioned proceedings. In support of this petition, DRC states and alleges as follows:

1. Dakota Resource Council is a North Dakota nonprofit corporation formed in 1978 to protect North Dakota's land, air, water, rural communities, and agricultural economy. Its principle place of business is P.O. Box 1095, Dickinson, ND 58602. Dakota Resource Council has rate-paying members throughout the State of North Dakota.

17 PU-09-733 Filed 03/19/2010 Pages: 6
Petition to Intervene of Dakota Resource Council & Mark Trechock
Dakota Resource Council & Mark Trechock
Derrick Braaten, Atty, Sarah Vogel Law

15 PU-10-30 Filed 03/19/2010 Pages: 6
Petition to Intervene of Dakota Resource Council & Mark Trechock
Dakota Resource Council & Mark Trechock
Derrick Braaten, Atty, Sarah Vogel Law

17 PU-09-731 Filed 03/19/2010 Pages: 6
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20 PU-09-739 Filed 03/19/2010 Pages: 6
Petition to Intervene of Dakota Resource Council & Mark Trechock
Dakota Resource Council & Mark Trechock
Derrick Braaten, Atty, Sarah Vogel Law

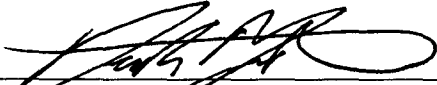
2. Mark Trechock is the Staff Director of Dakota Resource Council, and is also a ratepayer in North Dakota.
3. DRC intervened in the underlying prudency proceedings, Case Nos. PU-06-481 and PU-06-482. DRC intervened because its members, as North Dakota rate-payers, were directly impacted by the underlying prudency determinations, with the intent of offering evidence related to imminent costs associated with carbon regulation and to otherwise protect its members' interests. DRC has voluntarily stayed an appeal of the underlying prudency determinations to the North Dakota Supreme Court, pending the outcome of these proceedings (See Exhibit A, attached).
4. The North Dakota Public Service Commission ("PSC") filed a Notice of Hearing for the above-captioned matters on May 5, 2010. The PSC did not set a date to allow petitions to intervene, but this petition is being filed more than ten days before the hearing in accordance with N.D.A.C. § 69-02-02-05(2).
5. The above-captioned proceedings directly relate to the underlying prudency determinations, and DRC retains a vested interest in the proceedings.
6. DRC has a direct and substantial interest in these proceedings, which will be affected by the PSC's findings and conclusions in this matter. DRC is not adequately represented by existing parties, has a right to intervene, and its intervention is in the public interest. DRC should be allowed to remain involved in these proceedings, and to cross-examine witnesses and offer rebuttal or supporting evidence if necessary.
7. DRC requests the right to intervene in support of Montana-Dakota Utilities Company's and Otter Tail Power Company's (collectively, "Applicants") applications for a

determination that discontinuation of the Big Stone II project is prudent, and in opposition to the right of Applicants to recover costs only to the extent such costs are not supported by evidence or are contrary to law.

Respectfully submitted,

SARAH VOGEL LAW PARTNERS

Dated this 19th day of March, 2010.


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITION TO INTERVENE** was on March 19, 2010, served via U.S Mail on the following:

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STIPULATION

WHEREAS, Dakota Resource Council and Mark Trechock have appealed the judgment in South Central Judicial District for Burleigh County Civil No. 08-8-C-2434-1 affirming the Order of the North Dakota Public Service Commission ("NDPSC") in NDPSC Case Nos. PU-06-481 and PU-06-482; and

WHEREAS, Montana-Dakota Utilities Co. ("Montana-Dakota"), has filed an application in NDPSC Case No. PU-09-_____ for a determination by the NDPSC that Montana-Dakota's continued participation in the Big Stone II Generating Station is no longer prudent and Otter Tail Power Company ("Otter Tail") intends to file a similar application within thirty (30) days of the date of the Stipulation; and

WHEREAS, Dakota Resource Council and Mark Trechock intend to dismiss their appeal from Civil No. 08-8-C-2434-1 if the NDPSC grants the applications of Montana-Dakota and Otter Tail for a determination that their participation in the Big Stone II Generating Station is no longer prudent;

NOW THEREFORE; the undersigned hereby stipulate that if Otter Tail files an application within thirty (30) days of the date of this Stipulation, or such longer period as the undersigned mutually agree, for a determination that its participation in the Big Stone II Generating Station is no longer prudent and if the NDPSC grants the applications of Montana-Dakota and Otter Tail for determinations that their participation in the Big Stone II Generating Station is no longer prudent, then in that event Dakota Resource Council and Mark Trechock will move to dismiss their appeal of Civil No. 08-8-C-2434-1 within 10 days of the issuance of the last order of the NDPSC granting the above referenced applications.

Dated effective as of December 21, 2009.

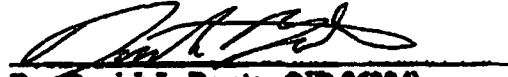


PLAINS JUSTICE



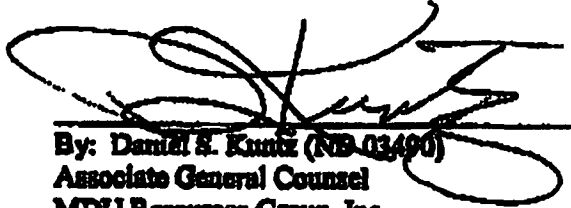
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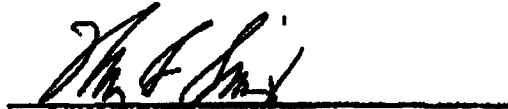
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