



Public Service Commission
State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
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Fax 701-328-2410
TDD 800-366-6888 or 711

26 January 2010

Mr. Allen C. Hoberg
Office of Administrative Hearings
1707 North 9th Street, Lower Level
Bismarck, ND 58501

Re:

PU-09-739
Otter Tail Power Company
Deferred Accounting – Big Stone II
Application

PU-09-733
Montana-Dakota Utilities Co.
Deferred Accounting - Big Stone II
Application

PU-10-30
Otter Tail Power Company
Discontinue Prudence Big Stone II
Application

PU-09-731
Montana-Dakota Utilities Co.
Discontinue Prudence Big Stone II
Application

Dear Mr. Hoberg:

Enclosed are four requests for an Administrative Law Judge in the captioned cases. No Notice of Hearing has been issued in these four cases. When a notice is issued, a copy will be forwarded to your office.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Sincerely,

Illona A. Jeffcoat-Sacco
General Counsel

7 **PU-09-731** Filed: 1/26/2010 Pages: 7
Request for Administrative Law Judge

Public Service Commission

enclosure

c/w enclosure: Bruce Gerhardson, Bemadeen Brutlag, Donald Ball, John Breen Jr., Todd J Guerrero
Daniel Kuntz, Derrick Braaten, David Schlissel, Mark Trechock, Carrie La Seur

8 **PU-09-739** Filed: 1/26/2010 Pages: 7
Request for Administrative Law Judge

Public Service Commission

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PU-10-30 Filed: 1/26/2010 Pages: 7
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Public Service Commission



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Otter Tail Power Company, Deferred Accounting, Big Stone II, Application, Case Number PU-09-739

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in ND Century Code Chapters 49-02, 49-04, 49-06 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 Otter Tail Power Company's request to use deferred accounting until its' next rate case for costs incurred during its participation in the Big Stone II project.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a **procedural** administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See Attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments
 The Notice of Hearing has not yet been issued but when it is issued, a copy will be forwarded to your office.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, <i>General Counsel</i>	Date 26 January 2010
Signature of Requesting Person x <i>Illona A. Jeffcoat-Sacco</i>	Telephone Number 701-328-2407



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Otter Tail Power Company, Discontinue Prudence, Big Stone II, Application, Case Number PU-10-30

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49-05-16 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 Request to the Commission for an order finding that Otter Tail's continuation of the Big Stone II Generating Plant project is no longer prudent

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

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Signature of Requesting Person X <u>Illona A. Jeffcoat-Sacco</u>	Telephone Number 701-328-2407

Attachment
Request for ALJ
26 January 2010

PU-09-739
Otter Tail Power Company
Deferred Accounting – Big Stone II
Application

PU-10-30
Otter Tail Power Company
Discontinue Prudence Big Stone II
Application

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Advisory Staff: Illona A. Jeffcoat-Sacco	Address Same as above	Telephone Number 701-328-2407
Advocacy Staff: Annette Bendish	Address Same as above	Telephone Number 701-328-2421
PARTY Otter Tail Power Company	Address 215 South Cascade Street Fergus Falls, MN 56537	Telephone Number 218-739-8289
Representation Bruce Gerhardson Associate General Counsel	Address 215 South Cascade Street Fergus Falls, MN 56537	Telephone Number 218-998-7108



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Montana-Dakota Utilities Co., Deferred Accounting, Big Stone II, Application,
 Case Number PU-09-733

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in ND Century Code Chapters 49-02, 49-04, 49-06 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 MDU's request to use deferred accounting for costs related to its' efforts in securing new electric generation to meet the needs of its customers, primarily the Big Stone II Generating Station, until disposition of its next general electric rate case.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

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Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco <i>General Counsel</i>	Date 26 January 2010
Signature of Requesting Person <i>x Illona A. Jeffcoat-Sacco</i>	Telephone Number 701-328-2407



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Montana-Dakota Utilities Co., Discontinue Prudence, Big Stone II, Application,
 Case Number PU-09-731

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49-05-16 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 Request to the Commission for an order finding that Montana-Dakota Utilities Company's continuation of the Big Stone II

Generating Plant project is no longer prudent

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
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Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, <u>General Counsel</u>	Date 26 January 2010
Signature of Requesting Person x <u>[Handwritten Signature]</u>	Telephone Number 701-328-2407

Attachment
Request for ALJ
26 January 2010

PU-09-733
Montana-Dakota Utilities Co.
Deferred Accounting - Big Stone II
Application

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Discontinue Prudence Big Stone II
Application

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Advisory Staff: Illona A. Jeffcoat-Sacco	Address Same as above	Telephone Number 701-328-2407
Advocacy Staff: Annette Bendish	Address Same as above	Telephone Number 701-328-2421
PARTY Montana-Dakota Utilities Co.,	Address 400 North Fourth Street Bismarck, North Dakota 58501	Telephone Number 701-222-7900
Representation Daniel S. Kuntz Associate General Counsel	Address MDU Resources Group, Inc. P. O. Box 5650 Bismarck, ND 58506-5650	Telephone Number 701-530-1016