



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

Mr. Allen C. Hoberg
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

11 July 2011

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: Montana-Dakota Utilities Co.
Advance Determination of Prudence–Big Stone Air
Application
Case No. PU-11-163

Otter Tail Power Company
Advance Determination of Prudence–Big Stone Air
Application
Case No. PU-11-165

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned cases. There has not been a Notice of Hearing issued yet but when it becomes available we will forward that 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.

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosures
c: w/encl. Dan Kuntz
Mark Bring



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. - Advance Determination of Prudence, Application - Case No. PU-11-163 & Otter Tail Power Company - Advance Determination of Prudence, Application - Case No. PU-11-165

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Section 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:
 MDU and Otter Tail Power applied for an advance determination that the addition of the air quality control system (AQCS) at the Big Stone Generating Station, to comply with the Federal Clean Air Act and the S.D. Regional Haze Implementation Plan, is reasonable and 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.

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
 There has not been a Notice of Hearing issued yet. The Notice will be forwarded to your office as soon as one becomes available with details of the hearing location, date, and time.

(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 Ilona A. Jeffcoat-Sacco, General Counsel	Date 11 July 2011
Signature of Requesting Person <i>x Ilona A. Jeffcoat-Sacco</i>	Telephone Number 701-328-2407

Attachment
 Request for ALJ
 11 July 2011

Montana-Dakota Utilities Co.
 Advance Determination of Prudence–Big Stone Air
 Application
 Case No. PU-11-163

Otter Tail Power Company
 Advance Determination of Prudence–Big Stone Air
 Application
 Case No. PU-11-165

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Mark Gruman PSC Advocacy Staff	Address Same as above	Telephone Number 701-328-2421
Illona A. Jeffcoat-Sacco General Counsel Commission Advisory Staff	Same as above	701-328-2407
PARTY Montana-Dakota Utilities Co.	Address 400 North Fourth Street Bismarck, NO 58501	Telephone Number 701- 222-7854
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
PARTY Otter Tail Power Company	Address PO Box 496 Fergus Falls, Minnesota 56538-0496	Telephone Number 218-739-8200
Representation Mark Bring Associate General Counsel Otter Tail Corporation	Address P.O. Box 9156 Fargo, ND 58106-9156	Telephone Number 218- 998-7152