

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
SOUTHWEST DIVISION

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DACOTAH CHAPTER OF SIERRA CLUB )  
and DAKOTA RESOURCE COUNCIL, )

Plaintiffs, )

v. )

CASE NO. 1:12-cv-065

SECRETARY OF THE INTERIOR KEN )  
SALAZAR, in his official capacity, )

Defendant. )  
\_\_\_\_\_

**NORTH DAKOTA PUBLIC SERVICE COMMISSION'S**  
**MOTION TO INTERVENE**

Pursuant to Federal Rule of Civil Procedure 24 and D.N.D. Civ. L.R. 7.1(B), Applicant in Intervention North Dakota Public Service Commission (“NDPSC”), by and through its undersigned counsel, respectfully files its Motion to Intervene in this proceeding. In support, NDPSC states as follows:

1. Intervention is proper under Rule 24(a)(2) because the claims presented by Plaintiffs adversely relate to NDPSC’s legally cognizable interests and disposing of the action will impede NDPSC’s ability to protect those interests.
2. Further, intervention is proper under Rule 24(b)(2)(B) because NDPSC is a state governmental agency and the adverse claims presented by the Plaintiffs are based upon state and federal statutes administered by NDPSC.
3. A memorandum of law in support of NDPSC’s motion is being served and filed concurrently with this Motion in accordance with D.N.D. Civ. L.R. 7.1(B).

4. Further, if this Court grants NDPSC's Motion to Intervene, NDPSC respectfully requests the Court order that NDPSC's answer or responsive pleading in response to Plaintiffs' Complaint be due the later of August 21, 2012, the date by which Defendant is currently required to file an answer, or 21-days from the date of the Court's Order granting NDPSC's Motion to Intervene.

5. NDPSC has conferred with Plaintiffs and Defendant on its Motion to Intervene. Plaintiffs do not object to NDPSC's Motion to Intervene, however, Plaintiffs informed NDPSC that they reserve the right to argue that NDPSC's intervention should be permissive rather than intervention as a matter of right. Defendant takes no position on NDPSC's Motion to Intervene. Neither Plaintiffs nor Defendant object to NDPSC's request that its answer or responsive pleading in response to Plaintiffs' Complaint be due the later of August 21, 2012, or 21-days from the date of the Court's Order granting NDPSC's Motion to Intervene.

WHEREFORE, Applicant in Intervention North Dakota Public Service Commission respectfully requests that this Court grant its Motion to Intervene.

DATED: July 30, 2012.

Respectfully submitted,

**STATE OF NORTH DAKOTA  
WAYNE STENEHJEM  
ATTORNEY GENERAL**

/s/Paul M. Seby

Paul M. Seby  
Special Assistant Attorney General  
Marian C. Larsen  
Special Assistant Attorney General  
Moye White LLP  
1400 16<sup>th</sup> Street, Sixth Floor  
Denver, CO 80202  
Telephone: (303) 292-2900  
Facsimile: (303) 292-4510  
Email: [paul.seby@moyewhite.com](mailto:paul.seby@moyewhite.com)  
[mimi.larsen@moyewhite.com](mailto:mimi.larsen@moyewhite.com)

Office of Attorney General  
500 North 9th Street  
Bismarck, ND 58501-4509  
Telephone: (701) 328-3640  
Facsimile: (701) 328-4300

*Attorneys for the North Dakota Public Service  
Commission*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2012, the foregoing North Dakota Public Service Commission's Motion to Intervene was served electronically to all counsel of record through the Court's ECF System.

/s/Michelle D. Hitchcock

**Brandner, Tara B.**

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**U.S. District Court**

**District of North Dakota**

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**Filer:** North Dakota Public Service Commission  
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**MOTION to Intervene by North Dakota Public Service Commission. (rs)**

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Carrie LaSeur [claseur@plainsjustice.org](mailto:claseur@plainsjustice.org)

Paul M. Seby [paul.seby@moyewwhite.com](mailto:paul.seby@moyewwhite.com), [brooke.somerville@moyewwhite.com](mailto:brooke.somerville@moyewwhite.com),  
[michelle.hitchcock@moyewwhite.com](mailto:michelle.hitchcock@moyewwhite.com), [mimi.larsen@moyewwhite.com](mailto:mimi.larsen@moyewwhite.com)

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