



NORTH DAKOTA PUBLIC SERVICE COMMISSION

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In the Matter of the Application of Dakota )  
Access LLC for a Certificate of Site )  
Compatibility and Route Permit for the Dakota )  
Access Pipeline Project in Mountrail, )  
Williams, McKenzie, Dunn, Mercer, Morton )  
and Emmons Counties, North Dakota )

Case No. PU-I 4-842

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**PETITION TO INTERVENE OF  
FLORENCE BESSAW, JOANN PAYNE,  
AND MARY JANE MILLER**

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Pursuant to N.D.A.C. § 69-02-02-05, Florence Bessaw, Herlong, CA, JoAnn Payne, Bartlesville, OK, and Mary Jane Miller, Underwood, ND, by and through their attorneys Derrick Braaten and Matt Kelly (collectively, "Petitioners"), hereby petition to intervene in the above-captioned proceedings. In support of this petition, Petitioners state and allege as follows:

1. Florence Bessaw lives at 742 490 Hillcrest, Herlong, CA 96113. Ms. Bessaw received documents from Dakota Access, LLC and offers for an easement over her land for the Dakota Access Pipeline Project, and has also received repeated requests for survey permission on her property.
2. Ms. Bessaw's property will be crossed by the Dakota Access Pipeline Project, and she is concerned about impacts to her land. Ms. Bessaw has not yet been able to reach an agreement with Dakota Access regarding an easement on her property, and feels it is

necessary to protect her interests by ensuring that she is represented in these proceedings.

3. JoAnn Payne lives at 2608 Mountain Road, Bartlesville, OK 74003.
4. Ms. Payne received documents from Dakota Access, LLC and offers for an easement over her land for the Dakota Access Pipeline Project, and has also received repeated requests for survey permission on her property.
5. Ms. Payne's property will be crossed by the Dakota Access Pipeline Project, and she is concerned about impacts to her land. Ms. Payne has not yet been able to reach an agreement with Dakota Access regarding an easement on her property, and feels it is necessary to protect her interests by ensuring that she is represented in these proceedings.
6. Mary Jane Miller lives at 3602 3<sup>rd</sup> Street SW, Underwood, ND 58576.
7. Ms. Miller received documents from Dakota Access, LLC and offers for an easement over her land for the Dakota Access Pipeline Project, and has also received repeated requests for survey permission on her property.
8. Ms. Miller's property will be crossed by the Dakota Access Pipeline Project, and she is concerned about impacts to her land. Ms. Miller has not yet been able to reach an agreement with Dakota Access regarding an easement on her property, and feels it is necessary to protect her interests by ensuring that she is represented in these proceedings.
9. Petitioners have a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially affected by the ND Public Service Commission's findings and conclusions in this matter. Petitioners are intimately familiar with the land they own and rent, and can provide the PSC with specific information related to its routing determination in this proceeding, with respect to their individual lands.

10. Petitioners are not adequately represented by existing parties, and Petitioners' intervention would not unduly broaden the issues or delay the proceedings, particularly given the early nature of the proceedings.

11. Petitioners are not necessarily in support of or opposed to the relief sought by the applicant in this proceeding, but intend to oppose such relief if it allows Dakota Access to cross the lands they own and rent in a manner that will cause unnecessary or unreasonable damage to the land and to their farming operations.

Dated this 18<sup>th</sup> day of May, 2015.

**BAUMSTARK BRAATEN LAW PARTNERS**

          /s/ Derrick Braaten            
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**TARLOW AND STONECIPHER, PLLC**

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*BESSAW*  
**AFFIDAVIT OF FLORENCE BESSARIE**

STATE OF NORTH DAKOTA )  
)ss.  
COUNTY OF McLEAN )

Florence Bessarie, individually, being duly sworn, states under oath as follows:

1. I live at *742 490 Hillcrest Herlong, CA 96113*  
~~3602 3<sup>rd</sup> Street SW, Underwood, ND 58576.~~ *PO Box 672*
2. I have received documents from Dakota Access, LLC and offers for an easement over my land for the Dakota Access Pipeline Project, and have also received repeated requests for survey permission on my property.
3. My property will be crossed by the Dakota Access Pipeline Project, and I am concerned about impacts to my land. I have not yet been able to reach an agreement with Dakota Access regarding an easement on my property, and feel it is necessary to protect my interests by ensuring that they are represented in these proceedings.



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**AFFIDAVIT OF JOANN PAYNE**

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STATE OF OKLAHOMA )  
)ss.  
COUNTY OF WASHINGTON )

JoAnn Payne, individually, being duly sworn, states under oath as follows:

1. I live at 2608 Mountain Road, Bartlesville, OK 74003.
2. I have received documents from Dakota Access, LLC and offers for an easement over my land for the Dakota Access Pipeline Project, and have also received repeated requests for survey permission on my property.
3. My property will be crossed by the Dakota Access Pipeline Project, and I am concerned about impacts to my land. I have not yet been able to reach an agreement with Dakota Access regarding an easement on my property, and feel it is necessary to protect my interests by ensuring that they are represented in these proceedings.



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**AFFIDAVIT OF MARY JANE MILLER**

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STATE OF NORTH DAKOTA )  
)ss.  
COUNTY OF McLEAN )

Mary Jane Miller, individually, being duly sworn, states under oath as follows:

1. I live at 3602 3<sup>rd</sup> Street SW, Underwood, ND 58576.
2. I have received documents from Dakota Access, LLC and offers for an easement over my land for the Dakota Access Pipeline Project, and have also received repeated requests for survey permission on my property.
3. My property will be crossed by the Dakota Access Pipeline Project, and I am concerned about impacts to my land. I have not yet been able to reach an agreement with Dakota Access regarding an easement on my property, and feel it is necessary to protect my interests by ensuring that they are represented in these proceedings.

Dated this 13<sup>th</sup> day of April, 2015.

Mary Jane Miller  
Mary Jane Miller

STATE OF NORTH DAKOTA     )  
  )ss.  
COUNTY OF MCLEAN         )

On this 13<sup>th</sup> day of April, 2015, before me personally appeared Mary Jane Miller, individually, and known to me to be the same person who is described in and who executed the within document, and acknowledged to me that she executed the same.

Cynthia M Baumann  
Notary Public

