

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana Dakota Utilities Co., a Division
of MDU Resources Group, Inc.
Natural Gas Service Rate Increase
Application**

Case No. PU-15-90

OAH File No. 20150091

ORDER GRANTING PETITIONS TO INTERVENE

July 2, 2015

On May 26, 2015, counsel for AARP filed a Petition to Intervene of AARP. On June 9, 2015, counsel for Federal Executive Agencies (“FEA”) filed a Petition to Intervene of FEA.

North Dakota Century Code § 28-32-28 addresses intervention in adjudicative proceedings and provides as follows:

An administrative agency may grant intervention in an adjudicative proceeding to promote the interests of justice if intervention will not impair the orderly and prompt conduct of the proceeding and if the petitioning intervenor demonstrates that the petitioner’s legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. The agency may impose conditions and limitations upon intervention. The agency shall give reasonable notice of the intervention to all parties. An administrative agency may adopt rules relating to intervention in an adjudicative proceeding.

The North Dakota Public Service Commission (“Commission”) has adopted its own rules relating to intervention. The Commission’s rule on intervention provides in part as follows:

Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interests of justice.

...

Contents of petition to intervene. A petition to intervene must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing,

and whether the petitioner's position is in support of or in opposition to the relief sought.

N.D. Admin. Code § 69-02-02-05.

The applicant, Montana-Dakota Utilities, Co. ("MDU"), does not object to the intervention of FEA. MDU does not oppose AARP's petition to intervene but asserts that its lack of objection should not be construed as an admission that AARP has a legal interest that may be substantially affected by the proceeding or that AARP will be aggrieved by an order of the Commission. MDU reserves and does not waive its right to assert that AARP will not be aggrieved by an order of the Commission in this matter.

Public Service Commission Advocacy Staff does not object to the intervention of FEA or AARP in this matter. AARP does not object to FEA's petition to intervene. FEA does not object to AARP's petition to intervene.

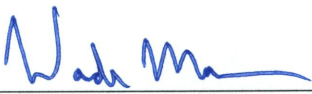
The petitions each set forth the grounds for intervention, the position and interest of the petitioners, what they can contribute to the hearing and their positions with respect to the relief sought by the applicant. The petitioners have each presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and the Commission's rules on intervention.

In light of the absence of opposition to the petitions and having considered the written submissions of the parties, the applicable statutory provisions and administrative rules, it is hereby ORDERED that:

The Petition to Intervene of AARP and Petition to Intervene of FEA are granted. AARP and FEA shall each be permitted to appear as intervenors in PSC Case No. PU-15-90.

Dated at Bismarck, North Dakota, this 2nd day of July 2015.

State of North Dakota
Public Service Commission

By: 

Wade C Mann
Administrative Law Judge
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