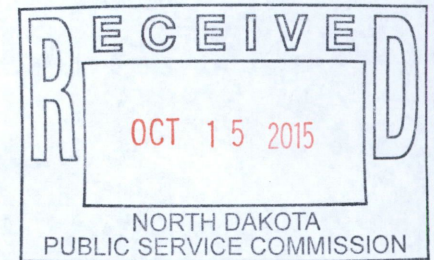


**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**



**In the Matter of
Northern States Power Company
Advance Determination of Prudence Application
For 345 MW Power Purchase Agreement
With Mankato Energy Center II, LLC**

Case No. PU-15-96

OAH File No. 20150094

ORDER GRANTING PETITION TO INTERVENE

October 13, 2015

On September 22, 2015, Calpine Corporation filed a Petition to Intervene and on October 1, 2015, it filed its Brief In Support of Petition to Intervene, including the Testimony of Todd Thornton. On September 25, 2015, the Office of Administrative Hearings received Advocacy Staff's Response to Petition to Intervene of Calpine Corporation. Northern States Power Company (NSP) filed no response and takes no position on Calpine's Petition.

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.

NSP does not object to the intervention of Calpine Corporation. Public Service Commission Advocacy Staff acknowledges that Calpine Corporation has a legal interest that may be substantially affected by the proceeding, but urges a denial of the petition to intervene on the grounds that Calpine has nothing to add to the proceedings that NSP cannot provide and that allowing Calpine to intervene will only prolong the hearing. The petition filed by Calpine Corporation sets forth the grounds for intervention, the position and interest of the petitioner, what it can contribute to the hearing and its position with respect to the relief sought by the applicant. Calpine Corporation does have a legal interest that may be substantially affected by the proceeding. Calpine is the parent company of Mankato Energy Center, LLC and Mankato Energy Center II, LLC and its legal interest in the Power Purchase Agreement is at stake in these proceedings. Calpine intends to call one witness, the witness testimony has been provided to the parties, and Calpine does not ask for a continuance of the hearing. It does not appear that intervention would unduly broaden the issues or delay the proceeding. The petitioner has 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.

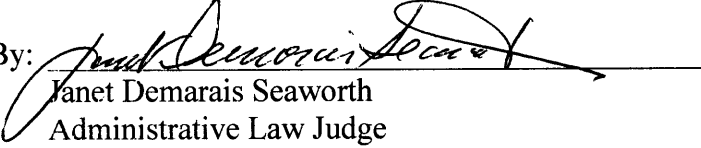
It is hereby ORDERED that:

The Petition to Intervene of Calpine Corporation is granted. Calpine Corporation shall be permitted to appear as intervenors in PSC Case No. PU-15-96.

Dated at Bismarck, North Dakota, this 13th day of October 2015.

State of North Dakota
Public Service Commission

By:


Janet Demarais Seaworth
Administrative Law Judge
Office of Administrative Hearings

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