

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Brady Wind, LLC
Brady Wind Energy Center – Stark County
Siting Application

Case No. PU-15-797

OAH File No. 20150655

Brady Wind, LLC
230 kV Transmission Line – Stark County
Siting Application

Case No. PU-15-690

OAH File No. 20150656

ORDER GRANTING PETITION TO INTERVENE

February 25, 2016

On February 12, 2016, the Concerned Citizens of Stark County (CCSC), filed a Petition for Intervention. On February 22, 2016, a prehearing conference was noticed for February 24, 2016, to address the issue of intervention and preliminary matters. The applicant, Brady Wind, LLC, did not submit a response to CCSC's petition for intervention in this matter and has indicated Brady Wind will not oppose intervention. The Public Service Commission did not submit a response in this matter and has indicated that the Commission does not take a position on the 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 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.

CCSC's petition 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. 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 rule on intervention. In addition, on February 23, 2016, CCSC filed a Motion for Continuance that addresses standing for intervention.

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

The Petition for Intervention of CCSC is granted. The Concerned Citizens of Stark County shall be permitted to appear as an intervenor in PSC Case Nos. PU-15-797 and PU-15-690.

Dated at Bismarck, North Dakota, this 25th day of February 2016.

State of North Dakota
Public Service Commission

By: 

Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING PETITION TO INTERVENE** was mailed by electronic mail on the 25 day of February 2016, to:

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