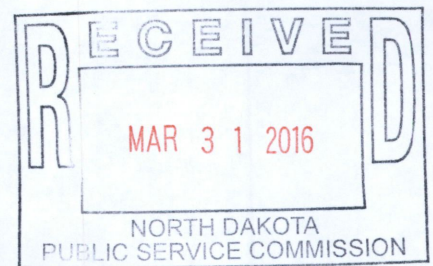


STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



Sacagawea Pipeline Company, LLC
16-inch Crude Oil Pipeline – McKenzie County
Siting Application

Case No. PU-15-744

ORDER GRANTING PETITION TO INTERVENE

This matter is scheduled for hearing on April 19, 2016, at 9:00 a.m. (CDT) at Teddy's Residential Suites in Watford City, North Dakota.

On January 29, 2016, Todd Pufahl, President and Business Manager of Laborers District Council of Minnesota and North Dakota, filed a Petition to Intervene in Support of the applicant's petition and seeks "party status."

The petitioner, Sacagawea Pipeline Company, responded on or about March 11, 2016, through its attorneys, Lawrence Bender and Daniel Krause of Frederick & Byron that it did not oppose the Petition to Intervene in spite of the fact it was not served with the copy of the petition pursuant to North Dakota Administrative Code § 69-02-02-05(3).

The Commission staff has not objected to the Petition to Intervene or filed an official response.

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 of 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 Laborers District Council'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 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.

Generally speaking, the North Dakota Supreme Court requires a party to a proceeding to be represented by counsel licensed to practice law in the State of North Dakota. However, the Public Service Commission has adopted administrative rules which allow intervention under Section 69-02-02-05 by "any person" with a "substantial interest in a proceeding . . . if Petitioner has a legal interest which may be substantially affected by the proceeding and the intervention would not unduly broaden the issues." While this Administrative Law Judge's preference would be to follow North Dakota Supreme Court precedent regarding representation of parties at administrative hearings

and require petitioner to obtain North Dakota licensed legal counsel, I believe that the Public Service Commission rules and past practice supersede that requirement. Therefore I am granting the Petition to Intervene.

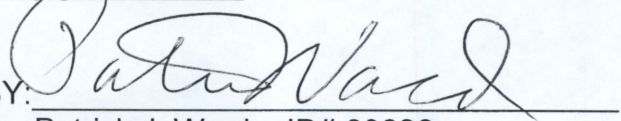
For all of the above stated reasons, IT IS HEREBY ORDERED:

The request of Laborers District Council of Minnesota and North Dakota to intervene in the above captioned case is granted. Intervenor will be allowed to present its arguments and evidence, as would a party, after the close of Petitioner's case and the Commission's response at the hearing in Watford City on April 19, 2016.

Dated this 29th day of March, 2016.

ZUGER KIRMIS & SMITH
Attorneys for Defendant
P.O. Box 1695
Bismarck, ND 58502
701-223-2711
lking@zkslaw.com

BY:



Patrick J. Ward ID# 03626

CERTIFICATE OF SERVICE

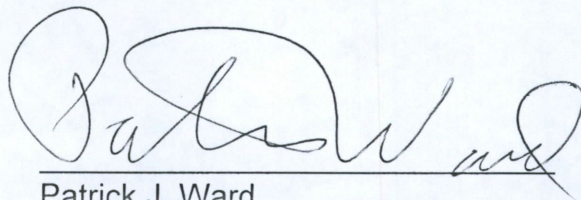
I, the undersigned, hereby certify that a true and correct copy of the foregoing documents was on the 29th day of March, 2016, served by placing the same in the United States mail, postage prepaid, properly addressed to the following.

Todd Pufahl
Laborers District Council of Minnesota and North Dakota
81 East Little Canada Road
St. Paul, MN 55117

Lawrence Bender
Danielle Krause
Attorneys for Sacagawea Pipeline Company, LLC
1133 College Drive, Suite 1000
Bismarck, ND 58501

Zach Pelham
Attorney at Law for PSC
PO Box 400
Bismarck, ND 58502-0400

Illona Jeffcoat-Sacco
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480



Patrick J. Ward

c: John Hamre, PSC
Louise Wetzel, OAH - File No. 20150619