

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division
of MDU Resources Group, Inc.
Electronic Rate Increase Application

Case No. PU-16-666
OAH File No. 2016-0597

ORDER GRANTING PETITION TO INTERVENE

On January 27, 2017, the AARP filed a Petition for Intervention. The applicant, MDU, did not submit a response to AARP's petition for intervention in this matter and has indicated via email dated February 3, 2017, that MDU will not oppose intervention. The Public Service Commission did not submit a response in this matter.

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.

AARP'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 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 AARP is granted. AARP shall be permitted to appear as an intervenor in PSC Case No. PU-16-666.

Dated at Bismarck, North Dakota, this 3rd day of February, 2017.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: 

Patrick J. Ward ID#03626

Administrative Law Judge

ZUGER KIRMIS & SMITH

PO Box 1695

Bismarck, ND 58502-1695

701-223-2711

pward@zkslaw.com

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division
of MDU Resources Group, Inc.
Electronic Rate Increase Application

Case No. PU-16-666
OAH File No. 2016-0597

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the ORDER GRANTING
PETITION TO INTERVENE was emailed to the following:

Karl Liepitz
Montana Dakota Utilities
karl.liepitz@mduresources.com

Tamie Aberle
Montana Dakota Utilities
tamie.aberle@mdu.com

Paul Sanderson
Evanson Sanderson, PC
psanderson@esattorneys.com

Dave Tschider
dtschider@tschider-smithlaw.com

John B. Coffman
john@johncoffman.net

Illona Jeffcoat-Sacco
Public Service Commission
ijs@nd.gov

John Schuh
Public Service Commission
jschuh@nd.gov

Victor Schock
vschock@nd.gov

Patrick Fahn
pfahn@nd.gov

Jerry Lein
jlein@nd.gov

Sara Cardwell
scardwell@nd.gov

and that the original ORDER GRANTING PETITION TO INTERVENE was mailed by U.S. Mail to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

Dated at Bismarck, North Dakota, this 3rd day of February, 2017.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: 

Patrick J. Ward

ID#03626

Administrative Law Judge

ZUGER KIRMIS & SMITH

PO Box 1695

Bismarck, ND 58502-1695

701-223-2711

pward@zkslaw.com