

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Cenex Pipeline, LLC
10" Refined Fuels Pipeline Williams, Mountrail, Ward
Siting Application

Case No. PU-17-97
OAH File No. 20170124

ORDER ON PETITION TO INTERVENE

Timothy J. Dawson, Administrative Law Judge, Office of Administrative Hearings, 2911 North 4th Street, Suite 303, Bismarck, ND 58503.

Zachary Pelham, Special Assistant Attorney General, 314 E. Thayer Ave., P.O. Box 400, Bismarck, ND 58502-0400 on behalf of the Public Service Commission.

Brian Bjella, Attorney at Law, Crowley Fleck PLLP, 100 West Broadway, Suite 250, Bismarck, North Dakota 58501 on behalf of Cenex Pipeline, LLC.

On July 7, 2017, Kevin Pranis, Marketing Manager, Laborers' District Council of Minnesota and North Dakota, submitted a Petition for Intervention.

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.

On July 18, 2017, Cenex Pipeline, LLC ("Cenex") submitted a written response to the Petition and did not object to the Petition. The Petition set forth the grounds for intervention, the position and interest of the petitioner, what the petitioner can contribute to the hearing and their positions with respect to the relief sought by the applicant. The petitioner has 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.

Having considered the written submission of the Petitioner, it is hereby ORDERED that the Petitioner is permitted to appear as an intervenor in PSC Case No. PU-17-97.

Dated at Bismarck, North Dakota, this 19th day of July 2015.

State of North Dakota
Public Service Commission

By: 

Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503
Telephone: (701) 328-3200

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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER ON PETITION TO INTERVENE** was mailed by electronic mail on the 19 day of July 2017, to:

Zachary Pelham
Pearce & Durick
zep@pearce-durick.com

Brian Bjella
Crowley Fleck, PLLP
bbjella@crowleyfleck.com

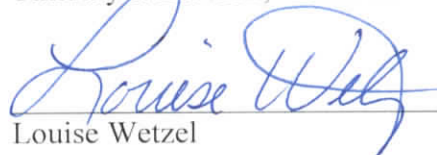
Kevin Pranis
Laborers District Council
kpranis@lunagroc.com

Illona Jeffcoat-Sacco
General Counsel
Public Service Commission
ilj@nd.gov

and that the original **ORDER ON PETITION TO INTERVENE** was mailed, inside mail, at the State Capitol on the 19 day of July, 2017, to:

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

OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge


Louise Wetzel