

NORTH DAKOTA PUBLIC SERVICE COMMISSION



In the Matter of the Application of Cenex Pipeline LLC for a Certificate of Corridor Compatibility and a Route Permit for approximately 149.7 miles of 10-inch diameter refined petroleum products pipeline and associated facilities in Williams, Mountrail, and Ward Counties, North Dakota

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

PETITION TO INTERVENE

Pursuant to N.D.A.C. § 69-02-02-05, Dennis Johnsrud and Mavis Johnsrud, Dale Livdahl, Glenn and Susan Jorgenson, Robert and Elaine Ruprich, Leon Vandeberg, and Shirley Schumacher, by and through their attorneys Derrick Braaten, JJ England and David Keagle (collectively, "Petitioners"), hereby petition to intervene in the above-captioned proceedings. In support of this petition, Petitioners state and allege as follows:

- 1. Dennis and Mavis Johnsrud live at 5835 144th Avenue NW, Williston, ND 58801. Dale Livdahl lives at 205 E. Highland Drive, Williston, ND 58801. Glenn and Susan Jorgenson live at 5755 145th Avenue NW, Williston, ND 58801. Robert and Elain Ruprich live at 247 North Front Street, Dorchester, WI 54425. Leon Vandeberg lives at 6181 124th Avenue NW, Epping, ND 58843. Shirley Schumacher lives at 3913 North Valley Loop, Bismarck, ND 58503. They all have received documents from Cenex Pipeline LLC and offers for an easement over their land for the Cenex Pipeline project.
- 2. Their property will be crossed by the Cenex Pipeline project, and they are concerned about impacts to their land. They have not yet been able to reach an agreement with Cenex regarding an easement on their property, and feel it is necessary to protect their interests

by ensuring that they are represented in these proceedings.

3. Petitioners have a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially affected by the ND Public Service Commission's findings and conclusions in this matter. Petitioners are intimately familiar with the land they own and rent, and can provide the PSC with specific information related to its routing determination in this proceeding, with respect to their individual lands.
4. Petitioners are not adequately represented by existing parties, and Petitioners' intervention would not unduly broaden the issues or delay the proceedings, particularly given the early nature of the proceedings.
5. Petitioners are not necessarily in support of or opposed to the relief sought by the applicant in this proceeding, but intend to oppose such relief if it allows Cenex to cross the lands they own and rent in a manner that will cause unnecessary or unreasonable damage to the land and to their farming operations.

Dated this 20th day of July, 2017.

BAUMSTARK BRAATEN LAW PARTNERS

/s/ Derrick Braaten

Derrick Braaten (ND 06394)
JJ England (ND 08135)
David Keagle (ND 08502)
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AFFIDAVIT OF DERRICK BRAATEN

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF BURLEIGH)

Derrick Braaten, being duly sworn, states under oath as follows:

1. I am an attorney with Baumstark Braaten Law Partners, located at 109 North 4th Street, Suite 100, Bismarck, North Dakota, and I am counsel for Dennis and Mavis Johnsrud, Dale Livdahl, Glenn Jorgenson, Robert Ruprich, Leon Vandeberg, and Shirley Schumacher.
2. My clients have received documents from Cenex Pipeline LLC and offers for an easement over their land for the Cenex Pipeline project.
3. Their property will be crossed by the Cenex Pipeline Project, and they are concerned about impacts to their land. None of my clients have been able to reach an agreement with Cenex regarding an easement on their property, and feel it is necessary to protect their interests by ensuring that they are represented in these proceedings.

4. The statements made in the Petition to Intervene filed along with this affidavit are true and correct to the best of my knowledge.

Dated this 20th day of July, 2017.

/s/ Derrick L. Braaten
Derrick L. Braaten

NORTH DAKOTA PUBLIC SERVICE COMMISSION

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Pipeline LLC for a Certificate of Corridor)
Compatibility and a Route Permit for)
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Ward Counties, North Dakota)
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Case No. PU-17-97
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CERTIFICATE OF SERVICE

I hereby certify that the following documents:

PETITION TO INTERVENE; and

AFFIDAVIT OF DERRICK BRAATEN

were on the 20th day of July, 2017, served via U.S. Mail and e-mail upon the following:

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Administrative Law Judge
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81 E Little Canada Road
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kpranis@lunauroc.com

Dated this 20th day of July, 2017.

BAUMSTARK BRAATEN LAW PARTNERS

/s/ Derrick Braaten

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