

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ruso Wind Partners, LLC
Ruso Wind Project – Ward and McLean Counties
Siting Application

Case No. PU-19-28

ORDER GRANTING PETITION FOR INTERVENTION

OAH FILE Nos. 20190068

On June 5, 2019, Kevin Pranis, on behalf of the Laborers District Council of Minnesota and North Dakota (LIUNA), filed a Petition for Intervention.

North Dakota Century Code § 28-32-28 addresses intervention in adjudicative proceedings and provides:

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.

...

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 applicant, Ruso Wind Partners, LLC, does not object to the intervention of LIUNA. Public Service Commission Advocacy Staff took no position on the petition for intervention.

The petition sets forth the grounds for intervention, the position and interest of LIUNA, what they can contribute to the hearing and their positions with respect to the relief sought by the applicant. LIUNA has 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.

Since there is no opposition to the petition and having considered the written submission of LIUNA, the applicable statutory provisions and administrative rules, it is **HEREBY ORDERED:**

The Petition to Intervene of Laborers District Council of Minnesota and North Dakota is granted. Laborers District Council of Minnesota and North Dakota shall be permitted to appear as intervenors in PSC Case No. PU-19-28.

Dated at Bismarck, North Dakota, this 13 day of June 2019.

State of North Dakota
Public Service Commission

By Hope L Hogan
Hope L Hogan
Administrative Law Judge
Office of Administrative Hearings
1707 North 9th Street
Bismarck, North Dakota 58501
Telephone: (701) 328-3260

AMERICANS WITH DISABILITIES ACT NOTIFICATION: A party shall promptly notify the Public Service Commission in writing if the party or a witness to be called by the party has a disability which will require auxiliary aids or services at the prehearing conference so that the Commission can make appropriate accommodation prior to the prehearing conference. Any request for an interpreter must also be made in writing to the Public Service Commission. Any request for aids, services, or an interpreter should be as specific as possible about what is required by the party or witness. Also, please send a copy of the notice or request to the administrative law judge.

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CERTIFICATE OF SERVICE

OAH File No. 20190068

The undersigned certifies that the original of the **ORDER GRANTING PETITION FOR INTERVENTION** was sent by electronic mail and mailed, inside mail, at the State Capitol, on the 13 day of June 2019, to:

John Hamre
Public Service Commission
State Capitol
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480
jghamre@nd.gov

and that true and correct copies of the above document were sent by electronic mail, and mailed, regular mail, on the 13 day of June 2019, to:

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OFFICE OF ADMINISTRATIVE HEARINGS
Hope L Hogan, Administrative Law Judge



Louise Wetzel