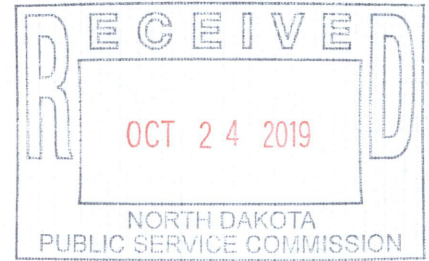


STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



Dakota Access, LLC
Dakota Access Pipeline Pump Station – Emmons County
Siting Application

Case No. PU-19-204
OAH File No. 2019-0280

ORDER ON PETITION TO INTERVENE

On October 9, 2019, Charles and Donna Kurszewski submitted a Petition to Intervene in the form of an email. The Petitioners identify themselves as Emmons County landowners, Beaver Creek Valley.

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:

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.

The Petition does not set forth clear grounds for intervention. It is unclear but can be assumed the Petitioners own land in the Beaver Creek Valley.

Even assuming the Petitioners have a substantial interest in the proceeding, the Petition does not set forth the position and interest of the Petitioners in the proceeding. The Petition sets forth questions but not the position and interest of the Petitioners.

The Petition does not set forth what the Petitioner would contribute to the hearing. The Petition sets forth merely questions. In addition, the Petition does not set forth the Petitioners' position with respect to the relief sought by the applicant.

The Petitioner has not presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and N.D. Admin. Code 69-02-02-05. However, the Petitioner may participate in the public testimony portion of the proceeding.

Having considered the written submission of the Petitioner, it is hereby ORDERED that Charles and Donna Kurszewski's Petition to Intervene in PSC Case No. PU-19-204 is DENIED.

Dated at Bismarck, North Dakota, this 23rd day of October 2019.

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

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Access, LLC
Dakota Access Pipeline Pump Station – Emmons County
Siting Application

Case No. PU-19-204
OAH File No. 2019-0280

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the **ORDER ON PETITION TO INTERVENE** was mailed, regular mail, at the State Capitol on the 23 day of October 2019, to:

Dean DuPountis
Standing Rock Sioux Tribe
P O Box D, Building 1
North Standing Rock Avenue
Fort Yates, ND 58538

Zachary Pelham
Special Assistant Attorney General
Pearce & Durick
PO Box 400
Bismarck, ND 58502

Timothy Purdon
Robins Kaplan
1207 West Divide Avenue – Suite 200
Bismarck, ND 58503

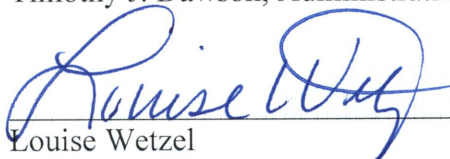
Lawrence Bender
Fredrikson & Byron, P.A.
1133 College Drive - Suite 1000
Bismarck, ND 58501

Charles and Donna Kurszewski
P O Box 207
Linton, ND 58552

and that the original **ORDER ON PETITION TO INTERVENE** was mailed, inside mail, at the State Capitol on the 23 day of October 2019, 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