



Public Service Commission  
State of North Dakota

COMMISSIONERS

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16 September 2019

Timothy Dawson, Director  
Office of Administrative Hearings  
2911 North 14th Street – Suite 303  
Bismarck, ND 58503

Re:  
Montana-Dakota Utilities Co.  
Advance Prudence – Heskett 4  
Application

Case No. PU-19-306

Montana-Dakota Utilities Co.  
88 MW Turbine - Heskett 4  
Public Convenience & Necessity

Case No. PU-19-307

Dear Mr. Dawson:

Enclosed are two requests for an Administrative Law Judge for the captioned two cases. The Commission has not yet issued a Notice of Hearing. When a Notice is issued, we will forward it to your office. We anticipate that the two cases will be consolidated for hearing.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

John Schuh  
General Counsel

enclosures

c: w/encl. via e-mail only

Karl Liepitz (karl.liepitz@mduresources.com)  
Mitch Armstrong (marmstrong@smithporsborg.com)  
Paul Sanderson (psanderson@esattorneys.com)  
Tamie Aberle (tamie.aberle@mdu.com)



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Montana-Dakota Utilities Co., Advance Prudence, Heskett 4, Application. PSC Case No. PU-19-306

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Section 49-05 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 On August 28, 2019 MDU filed an Application for Advance Determination of Prudence to construct, own and operate an 88 MW simple cycle combustion turbine (Heskett 4).

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
 The case is in its early stages and a Notice has not yet been issued. When we do have a Notice it will be forwarded to your office. We anticipate that this case will be consolidated for hearing with PSC Case No. PU-19-307.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person John Schuh, General Counsel	Date 9/16/2019
Signature of Requesting Person X	Telephone Number (701) 328-2421



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Montana-Dakota Utilities Co., 88 MW Turbine - Heskett 4, Public Convenience & Necessity,  
 PSC Case No. PU-19-307

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in N.D.C.C. Chapters 49-03 & 49-03.1 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 On August 28, 2019 MDU filed an Application for Public Convenience and Necessity to construct, own and operate an  
 88 MW simple cycle combustion turbine (Heskett 4).

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

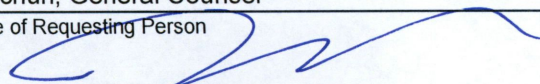
**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

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Typed or Printed Name and Title of Requesting Person John Schuh, General Counsel	Date 9/16/2019
Signature of Requesting Person 	Telephone Number (701) 328-2421

X

Attachment  
Request for ALJ  
16 September 2019

Re:  
Montana-Dakota Utilities Co.  
Advance Prudence – Heskett 4  
Application

Case No. PU-19-306

Montana-Dakota Utilities Co.  
88 MW Turbine - Heskett 4  
Public Convenience & Necessity

Case No. PU-19-307

<b>AGENCY</b>	<b>Address</b>	<b>Telephone Number</b>
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
<b>Representation</b> Mitch Armstrong (pending Commission Motion)	<b>Address</b> Schweigert Armstrong Moldenhauer & Smith 122 E. Broadway Ave. Bismarck, ND 58501	<b>Telephone Number</b> 701-258-0630
<b>PARTY</b> Montana-Dakota Utilities Co.	<b>Address</b> 400 N 4th St. Bismarck, ND 58501	<b>Telephone Number</b> 701-222-7900
<b>Representation</b> Karl Liepitz, Assistant General Counsel	<b>Address</b> MDU Resources Group, Inc. PO Box 5650 Bismarck, ND 58506-5650	<b>Telephone Number</b> 701-530-1081
<b>Representation</b> Paul Sanderson, Attorney	<b>Address</b> Evenson Sanderson, PC 1100 College Drive, Suite 5 Bismarck, ND 58501	<b>Telephone Number</b> 701-751-1243