



# Public Service Commission State of North Dakota

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2 January 2020

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

Re:

Northern Divide Wind, LLC  
200 MW Northern Divide Wind Energy Center - Burke  
Siting Application

Case No. PU-19-376

Northern Divide Wind, LLC  
345 kV Transmission Line – Burke and Mountrail  
Siting Application

Case No. PU-19-377

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

Casey Furey (cfurey@crowleyfleck.com)  
Mitch Armstrong (marmstrong@smithporsborg.com)  
Brian Schmidt (bschmidt@smithporsborg.com)

3 **PU-19-377** Filed: 1/2/2020 Pages: 4  
**Request for Administrative Law Judge**

3 **PU-19-376** Filed: 1/2/2020 Pages: 4  
**Request for Administrative Law Judge**



**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 Northern Divide Wind, LLC, 200 MW Northern Divide Wind Energy Center - Burke, Siting Application, PSC Case No. PU-19-376

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49-22 (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 December 5, 2019, Northern Divide Wind, LLC filed an Application for a Certificate of Site Compatibility proposing to build up to 74 wind turbines in Burke County, North Dakota.

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

(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 1/2/2020
Signature of Requesting Person 	Telephone Number (701) 328-2421

X



**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 Northern Divide Wind, LLC, 345 kV Transmission Line - Burke and Mountrail, Siting Application, PSC Case No. PU-19-377

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49-22 (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 December 5, 2019, Northern Divide Wind LLC filed a Consolidated Application for Certificate of Corridor Compatibility and Route Permit proposing to build a 41-mile, 345 kV transmission line located in Burke and Mountrail Counties.

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.


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Typed or Printed Name and Title of Requesting Person John Schuh, General Counsel	Date 1/2/2020
Signature of Requesting Person 	Telephone Number (701) 328-2421

X

Attachment  
 Request for ALJ  
 2 January 2020

Re:

Northern Divide Wind, LLC  
 200 MW Northern Divide Wind Energy Center - Burke  
 Siting Application

Case No. PU-19-376

Northern Divide Wind, LLC  
 345 kV Transmission Line – Burke and Mountrail  
 Siting Application

Case No. PU-19-377

<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 Brian Schmidt (pending Commission Motion)	<b>Address</b> Smith Porsborg Schweigert Armstrong Moldenhauer & Smith 122 E. Broadway Ave. Bismarck, ND 58501	<b>Telephone Number</b> 701-258-0630
<b>PARTY</b> Northern Divide Wind, LLC	<b>Address</b> 700 Universe Boulevard Juno Beach, FL 33408	<b>Telephone Number</b>
<b>Representation</b> Casey Furey	<b>Address</b> Crowley Fleck PLLP PO Box 2798 Bismarck, ND 58502-2798	<b>Telephone Number</b> 701-223-6585