

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern Divide Wind, LLC
200 MW 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

ORDER GRANTING PETITION FOR INTERVENTION

OAH FILE Nos. 20200007, 20200008

On April 2, 2020, Kevin Pranis, on behalf of the Laborers District Council of Minnesota and North Dakota (LIUNA), filed a Petition for Intervention in the above referenced cases.

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, Northern Divide Wind, 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 Nos. PU-19-19-376 and PU-19-377.

Dated at Bismarck, North Dakota, this 13 day of April, 2020.

State of North Dakota
Public Service Commission

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

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CERTIFICATE OF SERVICE

OAH File Nos. 20200007, 20200008

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 April 2020, to:

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

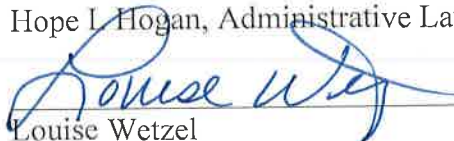
and that true and correct copies of the above document were sent by electronic mail, and mailed, regular mail, on the 13 day of April 2020, to:

Casey Furey
Crowley Fleck, PLLP
P. O. Box 2798
Bismarck, ND 58502-2798
cfurey@crowleyfleck.com

Brian Schmidt
Special Assistant Attorney General
Smith Porsborg Schweigert Armstrong
Moldenhauer & Smith
PO Box 460
Bismarck, ND 58502-0460
BSchmidt@smithporsborg.com

Kevin Pranis
Labors District Council of Minnesota
& North Dakota
81 East Little Canada Road
St. Paul, MN 55117
kpranis@liunagroec.com

OFFICE OF ADMINISTRATIVE HEARINGS
Hope L. Hogan, Administrative Law Judge


Louise Wetzels