

## Hamre, John G.

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**Sent:** Tuesday, September 14, 2021 10:39 AM  
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## Filing Accepted

Envelope Number: 4452015

Case Number: 08-2021-CV-01508

Case Style: Nodak Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.



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Filing Details	
<b>Court</b>	Burleigh County - South Central District
<b>Case Number</b>	08-2021-CV-01508
<b>Case Style</b>	Nodak Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.
<b>Date/Time Submitted</b>	9/13/2021 4:16 PM CST
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<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 17 Petition to Intervene - City of Drayton
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	John Hamre
<b>Filing Attorney</b>	John Schuh

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**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

Nodak Electric Cooperative, Inc.	)	Case No. PU-20-356
	)	
Complainant,	)	
	)	<b>PETITION TO INTERVENE</b>
vs.	)	
	)	
Otter Tail Power Company,	)	
	)	
Respondent.	)	

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Pursuant to Commission Rules of Practice and Procedure § 69-02-02-05, the City of Drayton (hereinafter "City") respectfully petitions for intervention as an intervenor party in the above-captioned matter as it has a legal interest which may be substantially affected by this proceeding. In support of this Petition, the City states and alleges as follows:

1. The City has authority under North Dakota Constitution Article VII, § 11 and N.D.C.C. § 40-05-01(57) to grant a franchise to a company to provide electric services within the municipal boundaries of the city.
2. The City granted Otter Tail Power Company a franchise to provide electric service to the City and its inhabitants pursuant to Ordinance 51, dated May 3, 2011.
3. On August 19, 2019, the property in dispute in this proceeding, the McFarland's Addition, was platted and annexed into the City.
4. In April 2020, the City passed a Resolution authorizing Otter Tail to provide electric service to McFarland's Addition.
5. Pursuant to the existing franchise agreement, Otter Tail Power Company is obligated to provide electric service to McFarland's Addition in the City.

6. For the reasons set forth in this Petition, the City submits it has a substantial interest in this proceeding in which Nodak Electric Cooperative is seeking to have the Public Service Commission determine that Nodak Electric Cooperative should provide electric service to McFarland's Addition in the City of Drayton. The City opposes Nodak Electric Cooperative's Complaint in this case which attempts to enjoin Otter Tail Power Company from providing electric service to McFarland's Addition in the City of Drayton.

7. The City believes that intervention and participation in this proceeding would serve the interests of the City. The City's intervention would not unduly delay the proceedings nor would it prejudice the rights of the other parties. Based upon the legal interests set forth in this Petition, the City asserts good cause exists to grant the Petition to Intervene filed within ten days of the hearing and no undue prejudice would be incurred by the existing parties in granting the Petition to Intervene.

WHEREFORE, The City of Drayton respectfully requests the Commission grant its Petition to Intervene.

Dated this 3 day of December, 2020.

**CITY OF DRAYTON**

  
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Charles Olson, Mayor