

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Bridger Pipeline LLC
16-inch Crude Oil Pipeline - McKenzie/Golden Valley
Siting Application

Case No. PU-21-48
OAH File No. 20220091

ORDER ON PETITION TO INTERVENE

On April 25, 2022, Kevin Pranis, Marketing Manager, Laborers District Council of Minnesota and North Dakota, St. Paul, Minnesota submitted a Petition for Intervention in the above matter. The Petitioners represent a group with over 13,000 construction workers and public employees in Minnesota and North Dakota. In addition, the Petitioner is associated with the Laborers International Union of North America.

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. 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 or its position in support of or in opposition to the relief sought. Strict compliance with the requirements of the contents of a petition in Commission rules is especially important when the interest of the petitioning intervenor is not a direct legal interest.

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.

The Applicant objected to the intervention of the Petitioner.

Having considered the written submission of the Petitioner, it is hereby **ORDERED** that the Petition for Intervention of Laborers District Council of Minnesota and North Dakota in PSC Case No. PU-21-48 is **DENIED**.

Dated at Bismarck, North Dakota, this 4th day of May 2022.

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
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CERTIFICATE OF SERVICE

The undersigned certifies that the original **ORDER ON PETITION TO INTERVENE** was mailed, inside mail, at the State Capitol, on the 4 day of May 2022, to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

and that a true and correct copy of the above document was sent by electronic mail on the 4 day of May 2022, to:

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OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge


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