

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
2022 Electric Rate Increase
Application

Case No. PU-22-194

ORDER GRANTING PETITION TO INTERVENE OF AARP

OAH FILE No. 20220225

[1] On June 30, 2022, Attorney David A. Tschider, on behalf of the American Association of Retired Persons (AARP) filed a Petition to Intervene in the above reference case.

[2] 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.

[3] 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.

[4] No objection to the Petition has been filed.

[5] The petition sets forth the grounds for intervention, the position and interest of AARP, what it can contribute to the hearing and its position with respect to the relief sought by the applicant. AARP 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.

[6] Since there is no opposition to the petition and having considered the written submission of AARP, the applicable statutory provisions and administrative rules.

IT IS HEREBY ORDERED:

[7] The Petition to Intervene of AARP is **GRANTED**.

[8] AARP shall be permitted to appear as intervenors in PSC Case No. PU-22-194.

Dated at Bismarck, North Dakota, this 26 day of September 2022.

State of North Dakota
Public Service Commission

By Hope Hogan
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Administrative Law Judge
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