



UTILITIES CO.

A Subsidiary of MDU Resources Group, Inc.

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Bismarck, ND 58501  
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October 11, 2022

Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building  
Bismarck, ND 58505-0480

**Re: Application for Temporary Authority  
Case No. PU-22-366**

Montana-Dakota Utilities Co. (Montana-Dakota or Company) submits the following filing in support of its Application for Temporary Authority Permit to provide temporary electric service to Applied Digital, Inc. (Applied) for construction of its new data processing facility near Ellendale, North Dakota. As indicated in its October 10<sup>th</sup> filing in this case, Applied has begun construction on its new facility. Applied requested 480V three-phase service for temporary construction power to serve its concrete batch plant. The proposed location of the 480-volt transformer is in the same spot where the Permanent Office service for Applied Block Chain will be located. The permanent service for the Office will be a 208v three-phase service.

Montana-Dakota has existing three-phase infrastructure in place near Applied's site. To serve the temporary construction site, Montana-Dakota would install three-phase primary service a total distance of 0.37 miles (1975 feet). The service line would start at an existing three-phase overhead (OH) Pole bore 100 feet west across the road, then turn north 1,000 feet to set a primary pedestal. From that point, the three-phase line would continue 88 feet north, then 287 feet to the northwest, then 500 feet west to the transformer site. Montana-Dakota would also run a single-phase line approximately 75 feet to serve additional temporary power to the construction trailers.

Dakota Valley Electric Cooperative (Dakota Valley) has a single-phase overhead (OH) line running north and south along the east side of Applied's property. This single-phase line is fed from Dakota Valley's substation approximately three miles away from this site. This is the closest known point of Dakota Valley's three-phase facilities to Applied's site. The north-south distance from Dakota Valley's three-phase to the east edge Applied's site is 2.8 miles (14,784 feet). From that point Dakota Valley would have to install another 787 feet of three-phase to the west to get to the transformer site. The total distance of three-phase line for Dakota Valley to construct is 2.95 Miles (15,571 feet).

Montana-Dakota distance to construct three-phase: 0.37 Miles (1,975 feet)  
Dakota Valley distance to construct three-phase: 2.95 Miles (15,571 feet)

While Dakota Valley has filed protest and a request for hearing, the Commission is not required to grant the request for a hearing on an application for a temporary authority permit. Under the administrative rules, the Commission has the right to suspend any rules on its own motion when the public interest will not be substantially prejudiced pursuant to N.D. Admin. Rule § 69-02-01-11. Further, under N.D. Admin. Rule § 69-02-04-05, if a person requests a hearing but does not show good cause for the hearing, the Commission may determine the matter without a hearing.

The public interest in this case supports granting Montana-Dakota's application for temporary authority permit to provide temporary construction power to Applied's construction site without the need for a hearing. Applied has established the immediate need for construction power prior to winter. Any significant delay in this case to hold a hearing could jeopardize the viability of Applied's project. Further, Dakota Valley's request for hearing did not establish any good cause for requiring a hearing and unnecessarily delaying construction. The Commission's granting of Montana-Dakota's application for temporary authority permit does not prejudice the ultimate outcome of Dakota Valley's challenge to Montana-Dakota's CPCN request to provide permanent service to the facility.

As time is of the essence on Applied's construction project, Montana-Dakota requests the Commission issue an order granting the application for a temporary authority permit to provide temporary electric service to Applied's construction project. Please feel free to contact me if you have any questions.

Sincerely,



Travis R. Jacobson  
Director of Regulatory Affairs

Cc: John Schuh