



Stephen A. Campbell  
T (313) 309-4274  
F (313) 309-6882  
Email:SCampbell@ClarkHill.com

Clark Hill  
500 Woodward Avenue, Suite 3500  
Detroit, MI 48226  
T 313.965.8300  
F 313.965.8252

February 3, 2023

**SENT VIA EMAIL ([NDPSC@ND.GOV](mailto:NDPSC@ND.GOV)) AND  
U.S. MAIL CERTIFIED MAIL**

Steve Kahl, Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

**RE: *Petition to Intervene  
Montana-Dakota Utilities Co. Electric Service Agreement –  
Applied Blockchain Approval  
PSC Case No. PU-22-371***

Dear Mr. Kahl:

Enclosed please find the Petition to Intervene and Certificate of Service in the above-referenced matter, on behalf of Marathon Petroleum Company.

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

**CLARK HILL PLC**  
**Stephen A.**  
**Campbell**  
Stephen A. Campbell

Digitally signed by: Stephen A. Campbell  
DN: CN = Stephen A. Campbell email  
= scampbell@clarkhill.com C = US  
O = Clark Hill PLC  
Date: 2023.02.03 15:43:39 -05'00'

SAC/lkd

cc w/enc.: Service List

24 PU-22-371 Filed 02/03/2023 Pages: 9  
Petition to Intervene - Marathon Petroleum Company  
Marathon Petroleum Company LP  
Stephen Campbell, Clark Hill PLC

**STATE OF NORTH DAKOTA  
NORTH DAKOTA PUBLIC SERVICE COMMISSION**

Montana-Dakota Utilities Co.	)	
Electric Service Agreement –	)	Case No. PU-22-371
Applied Blockchain Approval	)	

**PETITION TO INTERVENE OF  
MARATHON PETROLEUM COMPANY LP**

Pursuant to North Dakota Administrative Code 69-02-02-05,<sup>1</sup> Marathon Petroleum Company LP (“MPC”) hereby petitions the North Dakota Public Service Commission (“Commission”) to intervene in the above-captioned proceeding filed by Montana-Dakota Utilities Company (“Company” or “MDU”). In support of this Petition to Intervene, MPC states the following:

1. On September 21, 2022, the Company filed an Application in this proceeding seeking Commission approval of an Electric Service Agreement (“ESA”) between MDU and Applied Blockchain (“Application”). Subsequently, on January 31, 2022, in this proceeding MDU filed an Application to Establish Margin Sharing related to the ESA (“Margin Sharing Application”), claiming the proposed Margin Sharing Credit (“MSC”) mechanism described therein provided threefold benefits and explaining the proposed method of sharing the margin was shown in a Confidential Exhibit 1.

2. Headquartered in Findlay, Ohio, MPC and its affiliates operate the nation's largest refining system, including MPC’s Mandan, North Dakota facility and the Dickinson refinery, both of which are located in MDU’s service territory.<sup>2</sup> The Mandan refinery has a crude oil refining capacity of 71,000 barrels per day and processes primarily sweet domestic

---

<sup>1</sup> N.D. Admin. Code 69-02-02-05.

<sup>2</sup> See *We are MPC* (2022), available at <https://www.marathonpetroleum.com/About/> (last accessed July 26, 2022).

crude oil from North Dakota and manufactures gasoline, distillates, propane, and heavy fuel oil.<sup>3</sup> The Mandan refinery employs approximately 310 people. The Mandan facility receives electric service from MDU under Contract Rate 303. The Dickinson refinery has a throughput of 12,000 barrels per day and is a 100% renewable diesel facility. The Dickinson refinery employs approximately 90 people. The Dickinson facility receives electric service from MDU under Rate 30 General Electric.

3. On October 27, 2022, the Commission issued a Notice of Opportunity for Hearing and provided interested persons the opportunity to file comments regarding the Application by December 8, 2022. Pursuant to that Notice MPC filed comments on December 8, 2022, noting that the degree of redactions in the Application and ESA precluded the ability to understand the entire rate design in the ESA, and that MPC, despite having requested an unredacted copy of the ESA on November 2, 2022, had not received one. As such, MPC reserved its right to file more substantive comments and analysis on the rate design in the ESA upon obtaining an opportunity to review and analyze an unredacted copy of the ESA.

4. The subsequent Margin Sharing Application explicitly acknowledged MPC's "concerns regarding the treatment of incremental margin in the Company's rate case [Case No. PU-22-194] and [MPC's] desire that the Commission ensures this new customer's contributions cover any incremental costs incurred to serve this customer." In addition, the Company's Margin Sharing Application noted MPC's suggestion "that the net revenues should be used to help mitigate any increase from the electric rate case." The Margin Sharing Application stated that it was filed "[t]o alleviate the concerns expressed by Marathon and establish a beneficial arrangement with

---

<sup>3</sup> See *Mandan Refinery* (2021), available at [Mandan Refinery I Marathon Petroleum Refineries](#) (last accessed July 26, 2022).

Dakota Valley, as well as respond to the Commission’s request to ‘be good neighbors,’” and that the Margin Sharing Application “provides a framework that considers 1) customers; 2) impacted parties; and 3) the Company.” The proposed method of sharing the Applied Blockchain margin is purportedly shown in a “Confidential Exhibit 1” to the Margin Sharing Application, which MDU claimed “contains the same information from the ESA upon which the Company is requesting trade secret protection.”

5. As a large customer of MDU, MPC may be significantly affected by the proposed ESA, MSC, and outcome of this proceeding as MPC has a significant financial interest in all costs, revenues, cost of service, rate design, and policy determinations to be made by the Commission in this case. MPC therefore has a substantial interest in this proceeding and a legal interest which may be substantially affected.

6. As such MPC hereby moves to intervene as a full party in this proceeding and to be heard on all issues before the Commission.

7. No other party currently in this proceeding can adequately represent MPC's interests.

8. In the event a hearing is held and evidence is taken, or in the event further comments are permitted, MPC may present evidence through direct testimony, as well as cross-examination, or comments on issues arising in this proceeding including, but not limited to, the following: (a) the appropriateness and reasonableness of the terms and conditions of the ESA as they relate to and impact MPC; (b) the appropriateness and reasonableness of the MSC mechanism as it relates to and impacts MPC; and (c) the proposed sharing method of the margin received from Applied Blockchain under the ESA. MPC reserves the right to participate in this proceeding and revise the

issues it addresses, as well as its positions on those issues, as its interests continue to develop throughout the course of this proceeding.

9. MPC will contribute to the proceeding by providing the perspective of a large, energy-intensive customer that continues to face ever-increasing energy costs and regional and global competitive pressures, notwithstanding the additional inflationary pressures in the current economic environment. MPC is a large employer in the State and significant contributor to the State's economy.

10. MPC's support of or opposition to the relief sought in the Application and Margin Sharing Application cannot be determined at this time given the confidentiality and redaction of key information regarding the substance of the Application and Margin Sharing Application. As such MPC reserves its right to develop its position in support of or opposition to said relief after review of the confidential materials and information.

11. While this Petition to Intervene is not technically being filed at least ten (10) days prior to the December 8, 2022 hearing in this proceeding, MPC's December 8, 2022 comments expressly reserved its right to file more substantive comments and analysis on the rate design in the ESA upon obtaining an opportunity to review and analyze the unredacted confidential ESA. Further, MDU subsequently filed the Margin Sharing Application on January 31, 2022, and, despite MDU's claim that it would address MPC's concerns, MPC has not had the opportunity to review the Margin Sharing Application and attendant MSC proposal due to its claimed confidential nature. As such good cause exists to grant this Petition to Intervene.

12. MPC's intervention will not unduly broaden the issues or delay this proceeding.

13. A copy of this Petition to Intervene has been served upon the parties to this proceeding as shown by the attached Certificate of Service. Copies of all notices, orders or pleadings in this proceeding should be served upon the following:

Kavita Maini  
KM Energy Consulting, LLC 961  
North Lost Woods Road  
Oconomowoc, WI 53066  
[kmmaini@wi.mcom](mailto:kmmaini@wi.mcom)

Stephen A. Campbell (PO2693)  
**CLARK HILL PLC**  
500 Woodward, Suite 3500  
Detroit, Michigan 48226  
(313) 309-4274  
[scampbell@clarkhill.com](mailto:scampbell@clarkhill.com)

*Admission for Pro Hac Vice Admission Pending*

Ross H. Espeseth (ND ID# 03880)  
**BORMANN, MYERCHIN,  
ESPESETH & EDISON, LLP**  
418 East Broadway Avenue, Suite 240  
P.O. Box 995  
Bismarck, ND 58502-0995  
(701) 250-8968  
[respeseth@bmellp.com](mailto:respeseth@bmellp.com)

**WHEREFORE**, Marathon Petroleum Company LP submits this Petition to Intervene and respectfully requests that the Commission grant its Petition to Intervene and allow it to participate with full rights as a party in this proceeding.

Dated this Day of February 3, 2023.

Respectfully submitted,

**COUNSEL FOR MARATHON PETROLEUM  
COMPANY LP**

By: /s/ Stephen A. Campbell  
Stephen A. Campbell (PO2693)  
**CLARK HILL PLC**  
500 Woodward, Suite 3500  
Detroit, Michigan 48226  
(313) 309-4274  
[scampbell@clarkhill.com](mailto:scampbell@clarkhill.com)  
*Admission for Pro Hac Vice Admission Pending*

/s/ Ross H. Espeseth  
Ross H. Espeseth (ND ID# 03880)  
**BORMANN, MYERCHIN,  
ESPESETH & EDISON, LLP**  
418 East Broadway Avenue, Suite 240  
P.O. Box 995  
Bismarck, ND 58502-0995  
(701) 250-8968  
[respeseth@bmelld.com](mailto:respeseth@bmelld.com)



Christopher Hanson  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505  
[cchanson@nd.gov](mailto:cchanson@nd.gov)

John Schuh  
General Counsel  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505  
[jschuh@nd.gov](mailto:jschuh@nd.gov)

**CLARK HILL PLC**

**Stephen A.**

By: **Campbell**

Stephen A. Campbell (P76684)

Clark Hill PLC

500 Woodward, Suite 3500

Detroit, Michigan 48226

313-309-4274

[scampbell@clarkhill.com](mailto:scampbell@clarkhill.com)

Digitally signed by: Stephen A.  
Campbell  
DN: CN = Stephen A. Campbell email =  
scampbell@clarkhill.com C = US O =  
Clark Hill PLC  
Date: 2023.02.03 15:47:05 -05'00'

Date: February 3, 2023