

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Oliver Wind IV, LCC
200 MW Oliver Wind IV Energy Center – Oliver County
Siting Application

Case No. PU-23-317

OAH File No. 20230356

Oliver Wind IV, LCC
345-kV Transmission Line – Oliver & Mercer
Siting Application

Case No. PU-23-318

OAH File No. 20230357

ORDER ON PETITION TO INTERVENE

On January 11, 2024, Kevin Pranis, Marketing Manager, Laborers District Council of Minnesota and North Dakota, St. Paul, Minnesota submitted a Petition for Intervention. The Petitioners represent a group with over 13,000 construction workers and public employees in Minnesota and North Dakota. 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.

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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 sets forth grounds for intervention. The participation of the Petitioner would serve the public interest. The Petitioner represents the interests of individuals who are construction workers who would be substantially affected by the employment created by this application and are otherwise interested in worker safety and reliable and affordable energy. The participation of the Petitioner would not unduly delay the proceedings nor prejudice the rights of other parties.

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

The Applicant does not object to the intervention of the Petitioner.

Since there is no opposition to the petition and 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 Nos. PU-23-317 and PU-23-318 is **GRANTED**.

Dated at Bismarck, North Dakota, this 22nd day of January 2024.

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
Telephone: (701) 328-3200

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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 22 day of January 2024, to:

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

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 22 day of January 2024, to:

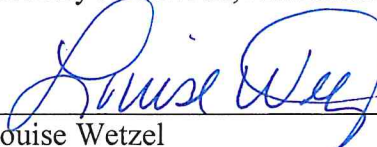
Brian Johnson
PSC Legal Counsel
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

and that a true and correct copy of the above document was mailed, regular mail, on the 22 day of January 2024, to:

Kevin Pranis
LiUNA
81 East Little Canada Road
St. Paul, MN 55117

Casey Furey
Crowley Fleck, PLLP
PO Box 2798
Bismarck, ND 58502

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



Louise Wetzel