

May 8, 2024

VIA UPS

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

RE: Otter Tail Power Company
2023 Electric Rate Increase
PU-23-342

Dear Mr. Kahl:

Please find enclosed herewith for filing with the North Dakota Public Service Commission, an original and seven (7) copies of the following:

1. Petition to Intervene

A copy of the attached Petition will also be sent via email to ndpsc@nd.gov.

Please feel free to reach out if you have any questions.

Sincerely,



Elizabeth Titus

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Petition to Intervene
Applied Digital
Elizabeth Titus, Holland & Hart LLP

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Petition to Intervene by Applied Digital
Elizabeth Titus, Holland & Hart LLP

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

In the Matter of the Application of)
Otter Tail Power Company for)
Authority to Increase Rates for)
Electric service in North Dakota)
)

Docket No. PU-23-342

**PETITION TO INTERVENE BY
APPLIED DIGITAL**

Applied Digital by and through its undersigned counsel and pursuant to North Dakota Administrative Code (N.D. Admin. Code) 69-02-02-05, hereby petitions the North Dakota Public Service Commission (“Commission”) for intervention in the above-caption proceeding filed by Otter Tail Power Company (“Otter Tail,” or the “Company”). In support thereof, Applied Digital states as follows:

1. North Dakota requires that a petition to intervene “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.”¹

2. On November 2nd, 2023, Otter Tail filed a Notice of Change in Rates for Electric Service and a Petition for Interim Rates, together with proposed Tariff Sheets and witness testimony. Through this Application, Otter Tail is proposing, among other things, to increase electric base rates for electric services provided to its North Dakota Customers. Otter Tail is seeking to reduce its rider revenues by approximately \$23.3 million and increase base revenues by approximately \$40.7 million, which results in a net average increase of 8.43 percent increase to customers.²

¹ N.D. Admin. Code 69-02-02-05.

² Gerhardson Direct at 2:1-15.

3. Applied Digital is located at 3811 Turtle Creek Blvd. Suite 2100 Dallas, Texas 75219, and is a designer, builder, and operator of next-generation digital infrastructure. Such infrastructure includes an operating data center, located near Jamestown, North Dakota in Otter Tail's service territory. Applied Digital's Jamestown Facility takes service from Otter Tail pursuant to an Electric Service Agreement entered into in August, 2021, and the Company's requested relief will likely have a significant impact on Applied Digital's energy costs. Because power costs are a significant portion of Applied Digital's operating costs, this proceeding will have a direct impact on Applied Digital's operations in North Dakota and substantially affect the pecuniary and tangible interests of Applied Digital. As such, Applied Digital has a financial interest in the cost of service, rate, design, and policy determinations by the Commission in this proceeding.

4. Applied Digital's interests are not adequately represented by any other party to this proceeding due to Applied Digital's Electric Service Agreement with Otter Tail.

5. Applied Digital may present evidence, through testimony as well as cross-examination, on issues including, but not limited to:

- (a) The appropriate rate of return and the cost of equity matters that Otter Tail should be entitled to;
- (b) The appropriate expenses that should be recovered by ratepayers; and
- (c) The appropriate adjustments to costs of service studies and rate design issues, if any.

6. Applied Digital's intervention will not unduly broaden the issues or delay the Proceeding, nor will Applied Digital's participation prejudice any parties.

7. The nature and quantity of any evidence to be presented by Applied Digital in this Proceeding is not yet known. Applied Digital reserves the right to participate in this Proceeding as its interest continue to develop throughout the course of the Proceeding.

8. Applied Digital's intervention request in this Proceeding is timely.

9. A copy of this Petition to Intervene in this Proceeding has been served on all parties to this Proceeding. Copies of all notices, orders, or pleadings in this proceeding should be served upon the following:

Elizabeth Titus, #08243
Abigail C. Briggerman, # *pro hac vice forthcoming*
Holland & Hart LLP
555 Seventeenth Street, Suite 3200
Denver, CO 80202
Telephone: (303) 295-8000
E-Mail: EHTitus@hollandhart.com
acbriggerman@hollandhart.com

And, for documents served electronically, please also add:

aclee@hollandhart.com

WHEREFORE, for the reasons set forth above, Applied Digital requests that the Commission grant this timely Petition to Intervene and permit Applied Digital to participate in this Proceeding with full rights as a party.

Respectfully submitted May 8, 2024.

HOLLAND & HART LLP

By: 
Elizabeth Titus, #08243
Abigail C. Briggerman, # *pro hac vice forthcoming*
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ATTORNEYS FOR APPLIED DIGITAL

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the following:

1. Letter to S. Kahl forwarding documents for filing; and
2. Petition to Intervene by Applied Digital

were, on May 8, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

Lauren Donofrio
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Dated this 8th day of May, 2024.

Holland & Hart LLP

By: 
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