

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
2023 Electric Rate Increase
Application

Case No. PU-23-342

OAH File No. 20230373

ORDER GRANTING PETITION FOR INTERVENTION

- [1] On May 8, 2024, Applied Digital filed a Petition for Intervention in the above referenced 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:

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.

1. **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.

[4] Otter Tail Power Company and the Public Service Commission do not object to the Petition.

[5] The Petition sets forth the grounds for intervention, the position and interest of the Intervenor, what the Intervenor can contribute to the hearing, and the Intervenor's position with respect to the relief sought by the applicant. The Intervenor 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.

[6] Having considered the written submission of the Intervenor and the applicable statutory provisions and administrative rules, **IT IS HEREBY ORDERED:**

[7] The Petition for Intervention filed by Applied Digital is **GRANTED**.

[8] Applied Digital shall be permitted to appear as an Intervener in PSC Case No. PU-23-342.

Dated at Bismarck, North Dakota, this 31 day of May 2024.

State of North Dakota
Public Service Commission

By Hope L Hogan
Hope L Hogan
Administrative Law Judge
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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING PETITION FOR INTERVENTION** was sent by electronic mail and mailed, inside mail, at the State Capitol, on the 31 day of May 2024 to:

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and that true and correct copies of the above document were sent by electronic mail on the 31 day of May 2024, to:

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Hope L Hogan, Administrative Law Judge


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