

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Wano Township, Willowbank
Township, Russell Township, Corwin
Township, Valley Township, Mike
Bartel, Patty Bartel, Richard Long,
Susan R. Long, Steven Nelson, Julia
Nelson, Phyllis P. Otterness, Patricia
A. Vick, Brandon Schweigert, Tausha
Schweigert, Shockman Farm
Partnership, LLLP, Debra Sue Wald,
Lucas Wald, Jill Wald, Tim Leppert,
Orr Farms, Steve M. Rupp, Sandra J.
Rupp, David A. Schweigert, Denette
M. Schweigert, Allen D. Swiontek,
Inna N. Swiontek, David Wald, Holly
Wald, Weston Wald, and Willowbank
Hutterian Brethren Association,

Case No. 08-2025-CV-02068

Appellants,

v.

North Dakota Public Service
Commission, Otter Tail Power
Company, and Montana-Dakota
Utilities Co.,

Appellees.

THIRD DECLARATION OF DOUGLAS J. NILL

I, Douglas J. Nill, declare as follows:

1. I am an attorney of record for Appellants in this matter. I make this declaration in support of Appellants' Motion to Stay proceedings before the North Dakota Public Service Commission (PSC) under N.D.C.C. ch. 49-22, relating to the proposed 345-kV transmission line between Jamestown and Ellendale.

2. **PSC Siting Docket Filing (PU-25-236).** On September 16, 2025, Otter Tail Power Company and Montana-Dakota Utilities Co. filed a "Notification of Application" in PSC Docket PU-25-236 under N.D.C.C. ch. 49-22, enclosing a route map. True and correct copies of the Notification and map are attached as Ex. 5A and Ex. 5B.

3. **Statutory timelines triggered.** Under N.D.C.C. § 49-22-16(2)(d), the PSC may not schedule a public hearing sooner than forty-five (45) days from the date the Notification is sent by mail or electronic mail. Based on the September 16, 2025 filing date, the earliest permissible hearing date is October 31, 2025. Section 49-22-16(2)(d) also provides that political subdivisions must file with the PSC a listing of all applicable local land-use, zoning, or building requirements at least ten (10) days before the PSC hearing; otherwise those requirements are superseded and preempted for the proceeding.

4. **Context.** The appeal in this Court challenges the PSC’s November 20, 2024 certificate of public convenience and necessity (CPCN). The September 16 Notices confirm that the 49-22 siting docket is now active and operating on statutory timelines while the lawfulness of the CPCN remains on appeal. (*See* Exs. 5A–5B.)

5. **Relief referenced.** As set forth in Appellants’ motion and proposed order, Appellants seek a stay of PSC Docket PU-25-236 (or, alternatively, an order barring reliance on the November 20, 2024 CPCN and holding PSC-set deadlines in abeyance) pending this Court’s expedited decision on the merits. Concurrent with this declaration, Appellants lodge an Amended Proposed Order reflecting the September 16, 2025 Notification in PU-25-236; no new relief is requested.

I declare under penalty of perjury under the laws of the State of North Dakota that the foregoing is true and correct to the best of my knowledge.

Dated: September 18, 2025

By: /s/ Douglas J. Nill
Douglas J. Nill (ND # P00392)
DOUGLAS J. NILL, PLLC
d/b/a FARMLAW
1850 Fifth Street Towers
150 South Fifth Street
Minneapolis, MN 55402
(612) 573-3669
dnill@farmlaw.com