

STATE OF NORTH DAKOTA
IN SUPREME COURT

Case No.: _____

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,

Appellants,

v.

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

Appellees.

Burleigh County No.:
08-2025-CV-02068

Hon. Bobbi Weiler

NOTICE OF APPEAL

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SC APPEAL - Notice of Appeal filed by Wano Township

Douglas J. Nill, PLLC, on behalf of the Petitioners
Douglas Nill, Attorney

TO: THE CLERK OF THE NORTH DAKOTA SUPREME COURT AND
COUNSEL OF RECORD

NOTICE IS HEREBY GIVEN that Appellants Wano Township, et al. appeal to the North Dakota Supreme Court from the District Court's Order on Administrative Appeal entered February 2, 2026 in Burleigh County District Court, South Central Judicial District, the Honorable Bobbi Weiler presiding, District Court Case No. 08-2025-CV-02068.

PRELIMINARY STATEMENT OF ISSUES

The issues on appeal include:

1. Whether the Public Service Commission had statutory authority to issue a Certificate of Public Convenience and Necessity (CPCN) under N.D.C.C. ch. 49-03 for a new 345-kV transmission line that qualifies as an "electric transmission facility" subject to N.D.C.C. ch. 49-22.

2. Whether public need for such a facility must be determined in the N.D.C.C. ch. 49-22 proceeding (with the notice, hearing, and findings required by that chapter), or whether the Commission may rely on a publication-only ch. 49-03 CPCN as a substitute need determination in the siting process.

3. Whether the November 20, 2024 CPCN and the Commission's June 18, 2025 order satisfy the final-order, findings, and service

requirements of N.D.C.C. ch. 28-32, and the legal consequences of any defects for timeliness, intervention, and appellate jurisdiction.

Dated: February 17, 2026

Respectfully submitted,

By: /s/ Douglas J. Nill _____
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