

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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

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Supreme Court No.:  
20260059

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

Hon. Bobbi Weiler

**AMENDED NOTICE OF APPEAL**

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 Judgment entered on March 5, 2026, in Burleigh County District Court, South Central Judicial District, the Honorable Bobbi Weiler presiding, District Court Case No. 08-2025-CV-02068.

This Amended Notice of Appeal is filed following entry of the March 5, 2026 Judgment consistent with the District Court's February 2, 2026 Order on Administrative Appeal and the North Dakota Supreme Court's March 5, 2026 Order in Supreme Court No. 20260059 directing the parties to ensure a consistent judgment is promptly entered in the district court.

### **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 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 Chapter 49-03 Certificate of Public Convenience and

Necessity as a substitute need determination in the siting process.

3. Whether the November 20, 2024 Certificate of Public Convenience and Necessity 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: March 10, 2026

Respectfully submitted,

By: /s/ Douglas J. Nill

Douglas J. Nill (ND # P00392)

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