

# Memorandum

To: Commissioners Christmann, Haugen-Hoffart and Fedorchak

From: Victor Schock Director of Public Utilities



Date: November 13, 2024

Re: Applied Digital Corporation, Temporary Construction Variance, Siting Temporary Approval, Case No. PU-24-359

On October 23, 2024, Applied Digital Corporation (ADC) filed an expedited request for approval of a temporary variance for construction activities under North Dakota Century Code (NDCC) section 49-22-25.

On October 28, 2024, November 1, 2024, and November 13, 2024, ADC filed supplemental information supporting its request.

ADC proposes to construct four 65 foot by 285 foot buildings that would be used to house up to sixty 3 Megawatt (MW) generators and associated facilities in the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 4, Township 129 North, Range 63 West. The proposed building and generators would not be interconnected with the electric grid, but rather would only be used in the event of a grid outage.

ADC notes that the proposed project area has already been filled and graded and is being used as a parking lot as part of the construction of the nearby data center building.

ADC would like to begin construction of the building immediately in order to take advantage of the remainder of the 2024 construction season. ADC proposes to submit a full siting application no later than August of 2025, and would not operate the generators prior to receiving approval from that application. ADC has submitted a signed certification attesting that the construction of the proposed project is not anticipated to have adverse impacts upon the welfare of the citizens of North Dakota or the environment.

Staff believes ADC's variance request is appropriate given the provisions of NDCC 49-22-25 and the current condition of the proposed site.