

August 1, 2025

Via Electronic Mail & Hand Delivery

Mr. Steve Kahl
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

**In re: Applied Digital Corporation
Expedited Request for Approval of Temporary Variance
for Construction Activities Pursuant to N.D.C.C. § 49-22-25
Case No. PU-24-359
Our File No. 012755-000005**

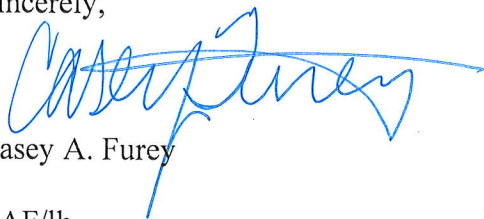
Dear Mr. Kahl:

I am writing on behalf of my client Applied Digital Corporation (“Applied Digital”), to provide an update regarding the October 23, 2024 variance request filed in the above-referenced case. Applied Digital had previously committed to filing a siting application in August 2025 for the installation of diesel generators to serve as emergency onsite backup generation for its Ellendale AI Data Center located in Dickey County, North Dakota (the “Project”).

As you are aware, the North Dakota Legislative Assembly recently passed H.B. 1539, which becomes effective August 1, 2025. House Bill 1539 amends N.D.C.C. § 49-22-03 to exclude onsite backup electric generation defined as “electric generation that is not interconnected with the grid and is generated on a temporary basis to replace primary source electric generation when unavailable” from the definition of an “electric energy conversion facility” under the Siting Act. Because of this change, Applied Digital’s Project no longer falls within the jurisdiction of the Commission under N.D.C.C. Ch. 49-22, and a siting application is not required. Therefore, Applied Digital hereby provides notice that it will not be submitting a siting application in August of 2025 for the Project, and it withdraws its October 23, 2024 variance request.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

CAF/lh

cc: Jannelle Combs (via email)
Nick Phillips (via email)
Todd Gale (via email)
Logan Caldwell (via email)