



February 21, 2025

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Steve Kahl
Executive Secretary
North Dakota Public Service Commission
State Capitol
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Re: In the Matter of BASIN ELECTRIC POWER COOPERATIVE
Consolidated Application for a Certificate of Corridor Compatibility and
Route Permit, 345-kV Mercer-McLean-Ward-Mountrail-Williams Cty
(Leland Olds Station to Tande 345-kV Transmission Project)**

Case No.: PU-24-361

Mr. Kahl:

Enclosed for filing please find the following original documents:

1. Petition to Intervene; and
2. Declaration of Service.

Please do not hesitate to contact me if you have any questions about this filing.

Sincerely,

Derrick Braaten

16 PU-24-361 Filed 02/21/2025 Pages: 7
Petition to Intervene
Braaten Law Firm
by John Bartelson, by Derrick Braaten

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BASIN ELECTRIC POWER COOPERATIVE
Consolidated Application for a Certificate of
Corridor Compatibility and Route Permit

Case No. PU-24-361

OAH FILE No. 20250009

345-kV Mercer-McLean-Ward-Mountrail-
Williams Cty (Leland Olds Station to Tande
345-kV Transmission Project)

PETITION TO INTERVENE

Pursuant to N.D.A.C. § 69-02-02-05, John Bartelson hereby petitions to intervene in the above-captioned proceedings. In support of this petition, Bartelson states and alleges as follows:

[¶1] On October 24, 2024, Basin Electric Power Cooperative (“Basin”) filed a “Consolidated Application to the North Dakota Public Service Commission for a Certificate of Corridor Compatibility and Route Permit” for the “Leland Olds Station to Tande 345-kV Transmission Line” (“transmission line”) through Mercer, McLean, Ward, Mountrail, and Williams Counties, North Dakota.

[¶2] Bartelson, as the authorized General Partner of JKT, LLLP (hereafter “Bartelson”) is a landowner over which Basin intends to construct the transmission line, and who has not granted an easement for the transmission line on his property. Basin is attempting to locate the transmission line on or near the section line between Sections 20 and 29 of Township 153N, Range 89W. Relevant here, Bartelson owns the following:

Section 20: S1/2N1/2, SE1/4

Section 29: SE1/4NW1/4, SW1/4NE1/4, NE1/4NW1/4, NW1/4NE1/4,
E1/2NE1/4, E1/2NE1/4, SE1/4 including 10 acres of land in the
northwest corner of the N1/2SE1/4, SW1/4NW1/4

Contiguous Parcels:

Section 30: SE1/4, E1/2SW1/4, Lot 4

Section 31: Lots 1, 2, 3, E1/2NW1/4, NE1/4¹

[¶3] Bartelson owns land in Section 29 that is registered with the FAA as an airport/airstrip, and putting the transmission line in the planned location will make use of the airstrip impractical and potentially impossible.

[¶4] Bartelson has offered to Basin to allow them to cross his property in the north half of Section 20. Bartelson is willing to allow Basin to cross the entire Section 20 from east to west on his property in the north half of Section 20, which will move the line further from the airstrip.

[¶5] If the Public Service Commission grants the relief requested by Basin in this proceeding, it will authorize Basin to locate its transmission line in a way that will cause property damage and significantly reduce the utility of Bartelson's land for authorized uses.

[¶6] Bartelson is not adequately represented by existing parties, and his intervention would not unduly broaden the issues or delay the proceedings. The specific issue being considered in this proceeding is the appropriate route and corridor for the transmission line and Bartelson's basis for intervention is the appropriate route and corridor for the transmission line on and across his property. His property and other legal interests will be substantially affected by the issuance of a permit in this proceeding across his property. Bartelson's petition is focused precisely on the three questions asked by the PSC in its notice of hearing, and his request is to adjust the route of the line to accommodate his intended uses of his

¹ These legal descriptions are reflected in a Warranty Deed recorded with the Mountrail County Recorder with document number 425365.

property. This is perhaps the *most* pertinent and compelling reason for anyone to intervene in a PSC siting proceeding, and Mr. Bartelson should be allowed to intervene.

[¶7] Basin filed this proceeding on October 24, 2024. Despite the fact that Basin has been developing this line for years, the notice of public hearing issued on January 30, 2025 scheduled hearings on February 26 and March 6, with the first hearing less than 30 days from the notice. The undersigned legal counsel from Braaten Law Firm were alerted to this matter just days ago, and have done everything possible to come up to speed quickly and file this petition. Given the time that Basin has put into planning for this project, the short notice period creates a hardship for landowners who need to not only wade through an application hundreds of pages long but then must also understand how it applies to them and their land, and then find legal representation from an attorney willing and able to handle a proceeding such as this and with the experience to do so. Bartelson acted promptly and sought legal counsel through his own existing attorneys and was able to retain Braaten Law Firm on an emergency basis to respond to this application just this week. This petition is being filed less than ten days before the hearing on February 26, but Bartelson and his legal counsel ask for an expedited consideration and to be allowed to participate in both hearings in this matter and to fully participate in the proceeding.

[¶8] For these reasons Bartelson petitions for leave to intervene in this proceeding for the purpose of presenting his evidence on his requested reroute and examining Basin's witnesses on the practicability of the reroute, and generally participating in the proceeding as a party on all relevant issues.

Dated: February 21, 2025.

BRAATEN LAW FIRM

/s/ Derrick Braaten

Derrick Braaten (ND #06394)

Stephen Easton (ND #04121)

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Attorneys for John Bartelson

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

BASIN ELECTRIC POWER COOPERATIVE
Consolidated Application for a Certificate of
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Case No. PU-24-361

OAH FILE No. 20250009

345-kV Mercer-McLean-Ward-Mountrail-
Williams Cty (Leland Olds Station to Tande
345-kV Transmission Project)

DECLARATION OF SERVICE

[¶1] I hereby certify that true and correct copies of the following documents:

- 1. Petition to Intervene; and**
- 2. Declaration of Service.**

were, on February 21, 2025, filed with the North Dakota Public Service Commission by mailing, USPS First Class mail, postage prepaid, the originals and seven copies, and by e-mailing copies of the same, to:

North Dakota Public Service Commission
Steve Kahl, Executive Secretary
State Capitol
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

[¶2] I further certify that true and correct copies of the same were, on February 21, 2025, sent by electronic mail to the following:

John Schuh
Special Assistant Attorney General
North Dakota Public Service Commission
600 E. Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480
jschuh@nd.gov

Maggie Olson
Basin Electric Power Cooperative
1717 E. Interstate Ave.
Bismarck, ND 58503
molson@bepc.com

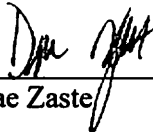
Ryan King
Basin Electric Power Cooperative
1717 E. Interstate Ave.
Bismarck, ND 58503
rking@bepc.com

The Honorable Hope Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 N. 14th St., #303
Bismarck, ND 58503
hlhogan@nd.gov

[¶3] The addresses of each party served are the last reasonably ascertainable e-mail address and post office address of such party.

[¶4] I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on this 21st day of February, 2025 at Bismarck, North Dakota.



Desirae Zaste