

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative
345kV Mercer-McLean-Ward-Mountrail-Williams Cty
Siting Application

Case No. PU-24-361
OAH File No. 20250009

ORDER GRANTING PETITION TO INTERVENE

[1] On February 21, 2025, John Bartelson filed a Petition to Intervene in the above referenced case.

[2] North Dakota Century Code § 28-32-28 addresses intervention in adjudicative proceedings and provides:

An administrative agency may grant intervention in an adjudicative proceeding to promote the interests of justice if intervention will not impair the orderly and prompt conduct of the proceeding and if the petitioning intervenor demonstrates that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. The agency may impose conditions and limitations upon intervention. The agency shall give reasonable notice of the intervention to all parties. An administrative agency may adopt rules relating to intervention in an adjudicative proceeding.

[3] The North Dakota Public Service Commission (Commission) has adopted its own rules relating to intervention. The Commission's rule on intervention provides in part as follows:

Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interests of justice.

1. **Contents of petition to intervene.** A petition to intervene must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing, and whether the petitioner's position is in support of or in opposition to the relief sought.

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N.D. Admin. Code § 69-02-02-05.

[4] The Public Service Commission did not object to the Petition. Basin Electric Power Cooperative (Basin) did not object to Mr. Bartelson's intervention subject to the terms of a stipulation agreed to by Basin and Mr. Bartelson. Under the terms of that stipulation, Mr. Bartelson's attorney will not present testimony or other evidence and will not question Basin's witnesses at the February 26, 2025, hearing. Mr. Bartelson will present his evidence and cross examine witnesses on the issues raised in his petition at the March 6, 2025, hearing. Basin reserves the right to present additional witnesses or additional evidence at the March 6th hearing. The Public Service Commission has no objection to the terms of the stipulation.

[5] The Petition sets forth the grounds for intervention, the position and interest of the Intervenor, what the Intervenor can contribute to the hearing, and the Intervenor's position with respect to the relief sought by the applicant. The Intervenor has presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and N.D. Admin. Code § 69-02-02-05.

[6] Having considered the written submission of the Intervenor and the applicable statutory provisions and administrative rules, **IT IS HEREBY ORDERED:**

[7] The Petition to Intervene filed by John Bartelson is **GRANTED**.

[8] John Bartleson shall be permitted to appear as an Intervener in PSC Case No. PU-24-361 subject to the terms of the stipulation.

Dated at Bismarck, North Dakota, this 25 day of February 2025.

State of North Dakota
Public Service Commission

By Hope Hogan
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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING PETITION TO INTERVENE** was sent by electronic mail and mailed, inside mail, at the State Capitol, on the 25 day of February 2025 to:

John Schuh
Special Assistant Attorney General
North Dakota Public Service Commission
jschuh@nd.gov

and that true and correct copies of the above document were sent by electronic mail on the 25 day of February 2025 to:

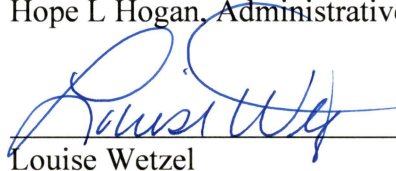
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