

**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

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

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**PETITION TO INTERVENE**

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Pursuant to N.D.C.C. § 28-32-28 and N.D.A.C. § 69-02-02-05, Jacob Estvold hereby petitions to intervene in the above-captioned proceedings. In support of this petition, Estvold 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. *See* PSC Docket No. 1.

[¶2] Jake Estvold (hereafter “Estvold”) previously gave Basin an easement for the transmission line that is the subject of this proceeding, and an additional access easement chosen by Basin, with said easements being located in part on Section 26, Township 153N, Range 92W. *See* Exhibit 1 to Decl. of Jake Estvold.

[¶3] Relevant here, Estvold owns the following:

Section 26: NE1/4, SE1/4, and E1/2 of the W1/2, less 2.5 acres

Section 25: S1/2

[¶4] Basin is now demanding an additional superfluous access easement, but misled Estvold as to the need or purpose of this access easement. *See* Dec. of Jake Estvold, Decl. of Travis Sauber. Initially, Basin stated the easement was needed to construct the transmission structures, but when Travis Sauber (“Sauber”), Jacob Estvold’s land manager, pointed out the structures were already built, Basin then stated it was for maintenance in the future. *Id.* When Sauber further questioned why Basin needed additional access for maintenance that was apparently unnecessary for the more invasive construction activities, Basin merely claimed it just needed the access. *Id.*

[¶5] As Mr. Estvold explains in his declaration:

When Basin came to me asking for the second access easement, Basin did not tell me any honest reason it needed the additional access, and it said nothing about how it was in front of the PSC providing the PSC more notice and information about this access than it gave me, nor did it tell me anything about the Dakota Skipper habitat on my property it apparently now claims is an issue (I do not believe it is).

I asked my landman, Travis Sauber, to attempt to negotiate with Basin regarding the second access easement, and he will provide additional details in a separate declaration regarding that attempted negotiation, which quickly ended with Basin suing me.

[¶6] Further details of these discussions are provided by Mr. Estvold’s landman, Travis Sauber, in his declaration filed herewith. He explained that he “communicated with Nathan Kleyer, Basin’s right-of-way lead, to discuss Basin’s new demand and ask it to explain why it needed a new and additional access. [He] was told the additional access would be needed for future access for the life of the pole, and for inspection and construction. Basin never communicated anything about Dakota Skipper habitat or

what it has apparently been telling the PSC.” Sauber Declaration, ¶ 4. Mr. Sauber gave Basin a counteroffer but received not response other than a lawsuit. *Id.*, ¶ 9.

[¶7] Basin gave Mr. Estvold no personal notice of what it was filing before the PSC and gave no notice of amendments to its site plan on his property and said nothing about Dakota Skipper habitat to Mr. Estvold or his landman, but rather served them with an eminent domain action to take Mr. Estvold’s private property rights by force with no good faith attempt to even explain its intent. Indeed, even in the Complaint it served on Mr. Estvold, Basin says nothing of the Dakota Skipper habitat that is apparently the justification for modifying its site plan as it represented to the PSC. *See* Exhibit 1 to Decl. of Jake Estvold.

[¶8] On September 26, 2025, Basin submitted a “Certification Relating to Order Provisions,” with a modification notification for Basin’s structures 437-028 to 437-030, which are on Estvold’s property. PSC Docket No. 99. Additionally, the certification vaguely referenced concerns about Dakota skipper habitat, apparently attempting to justify the necessity of the unnecessarily large easement but never fully explaining how the habitat necessitates an additional access easement. It is unclear what the Dakota Skipper habitat has to do with the easement Basin is now suing Estvold to obtain, nor is it clear why Basin deemed the amendment to the site plan necessary based on what it has filed with the PSC. Further discovery is needed to clarify the need for this amendment and Estvold hereby objects to the site plan amendment and seeks intervention to formally object as a party to this proceeding.

[¶9] Again, Basin never communicated or alerted Estvold to this modification, or the recent filings in this proceeding with the PSC, but did take the time to sue him.

[¶10] Estvold's intervention would not unduly broaden the issues or delay the matter because the PSC has already issued its final order. Pursuant to N.D.A.C. § 69-02-02-05(2), intervention should normally be sought at least ten days before the hearing, unless good cause is shown. Here, Estvold provided an easement and access of Basin's choosing that was consistent with its approved site plan. It is Basin that has, after the order was issued, come back to the Commission indicating that it now intends to unilaterally amend its site plan on the Estvold property. And it is Basin that chose to do so without so much as a word to Mr. Estvold about it (except the claims that it needed additional access for construction that was already completed, and later its claims that it needed the access merely for maintenance). The circumstances provide good cause for Mr. Estvold's intervention post-hearing.

[¶11] Estvold should be granted intervention else Basin be allowed to act unilaterally and *ex parte* with the PSC with regard to this amendment. Mr. Estvold seeks to file a formal objection to Basin's proposed amended site plan as an intervenor, and will seek limited discovery from Basin in order to learn Basin's intent on his property and why it is suing him to obtain an access easement it does not need after he already gave Basin an access easement of its own choosing.

[¶12] The specific issue considered in this proceeding is the appropriate route and site plan and Estvold's basis for intervention is the appropriate route and site plan on and across his property, and Basin's justification for altering the site plan on his property. Basin makes numerous claims in its application that the locations are based on "landowner participation" but that is not true of its latest filing related to Mr. Estvold's property. *See, e.g.*, Application at PSC Docket No. 1, Section 2.2.2, Section 3, table 3-4; Policy

Criteria. Estvold's petition is focused precisely on determining Basin's intended use of his property, and the basis for altering the site plan that was consistent with the easement and access easement he already granted, and thus is also related to the very "landowner participation" Basin claims in its Application. This is perhaps the *most* pertinent and compelling reason for anyone to intervene in a PSC siting proceeding, and Mr. Estvold should be allowed to intervene because he is "substantially affected" by Basin's latest amendment to its site plan. N.D.C.C. § 28-32-28, N.D.A.C. § 69-02-02-05. Indeed, Basin is suing him over it.

[¶13] The undersigned legal counsel from Braaten Law Firm was apprised of this matter approximately one week ago, and has 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 obfuscation and lack of communication regarding the additional easement access it has demanded creates a hardship for landowners who need to not only wade through an application and docket hundreds of pages long but then 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 with the experience to do so. Estvold acted promptly and sought legal counsel on an emergency basis to respond to this proposed modification after he was sued by Basin while he was trying to have a negotiation regarding its plans for his property. Given that these plans are inconsistent with the easements he negotiated with Basin in good faith, it was reasonable for him to expect a good faith negotiation.

[¶14] Estvold seeks intervention in order to file a formal objection as an intervenor and conduct discovery on Basin to determine its actual plans, and justifications for those

plans, and ask the PSC to rule on the objection and Basin's unilateral *ex parte* amendment to its site plan.

Dated: October 21, 2025.

**BRAATEN LAW FIRM**

*/s/ Derrick Braaten*

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Derrick Braaten (ND #06394)  
109 North 4<sup>th</sup> Street, Suite 100  
Bismarck, ND 58501  
Phone: 701-221-2911  
Fax: 701-221-5842  
derrick@braatenlawfirm.com  
*Attorney for Jacob Estvold*