



# Public Service Commission

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03 September 2025

Hope L. Hogan, Director  
Office of Administrative Hearings  
2911 North 14th Street – Suite 303  
Bismarck, ND 58503

Re:  
Northern Divide Energy Storage, LLC  
Northern Divide Energy Storage – Burke County  
Siting Application  
Case No. PU-24-371

Dear Ms. Hogan:

Enclosed is a request for an Administrative Law Judge for the above captioned case. The Commission has not yet issued a Notice of Hearing. When the Notice is issued, we will forward it to your office.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

A handwritten signature in blue ink, appearing to be "BJ", is located below the "Best regards," text.

Brian Johnson  
Special Assistant Attorney General

Enclosures

c: w/encl. via e-mail only

Casey A. Furey (cfurey@crowleyfleck.com)  
Erik J. Edison (ejedison@crowleyfleck.com)



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission

North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Northern Divide Energy Storage, LLC, Northern Divide Energy Storage - Burke County,  
Siting Application, PSC Case No. PU-24-371

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49-22 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:

On 19 November 2024 & 29 August 2025, Northern Divide Energy Storage, LLC, filed an application & amended application

for Certificate of Site Compatibility, respectively, to construct the Northern Divide Energy Storage project located in Burke Cty.

It requests designation of an administrative law judge (please check one):

- ☐ To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- ☒ To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- ☐ To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

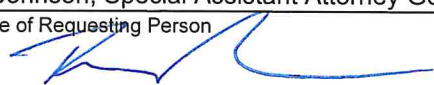
Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact:  
(Attach separate list if necessary.)

|                        |         |                  |
|------------------------|---------|------------------|
| AGENCY<br>See attached | Address | Telephone Number |
| Representation         | Address | Telephone Number |
| PARTY                  | Address | Telephone Number |
| Representation         | Address | Telephone Number |
| PARTY                  | Address | Telephone Number |
| Representation         | Address | Telephone Number |

Additional Comments

The Notice of Hearing has not yet been issued. When the Notice is issued, we will forward that to your office.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

|   |                                    |
|---|------------------------------------|
| Typed or Printed Name and Title of Requesting Person<br>Brian Johnson, Special Assistant Attorney General             | Date<br>9/3/2025                   |
| Signature of Requesting Person<br> | Telephone Number<br>(701) 328-2407 |

X

Attachment  
Request for ALJ  
03 September 2025

Re:  
Northern Divide Energy Storage, LLC  
Northern Divide Energy Storage – Burke County  
Siting Application  
Case No. PU-24-371

|  |  |   |
|--|--|---|
| <b>AGENCY</b><br>North Dakota Public Service<br>Commission<br><br><b>Representation</b><br>Brian Johnson<br>Special Assistant Attorney General | <b>Address</b><br>600 E. Blvd. Ave. Dept. 408<br>Bismarck, ND 58505-0480   | <b>Telephone Number</b><br>701-328-2400<br><br>701-328-2407 |
| <b>PARTY</b><br>Northern Divide Energy Storage,<br>LLC<br><br><b>Representation</b><br>Casey A. Furey<br>Erik J. Edison                        | <b>Address</b><br>700 Universe Boulevard<br>Juno Beach, FL 33408<br><br>Crowley Fleck PLLP<br>100 West Broadway, Suite 250<br>P.O. Box 2798<br>Bismarck, ND 58502-2798 | <b>Telephone Number</b><br><br>701-223-6585                 |