

Casey A. Furey
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
cfurey@crowleyfleck.com

December 18, 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: Northern Divide Energy Storage, LLC
Northern Divide Energy Storage Project – Burke County
Amended Siting Application
OAH File No. 20250276
Case No. PU-24-371

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter, please find eight copies of the Burke County Conditional Use Permit for the Northern Divide Energy Storage Project.

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

Sincerely,

/s/ Casey A. Furey

Casey A. Furey

CAF/lh
Enc.

cc: ALJ Hope Hogan (via email)
Mitch Armstrong (via email)
Victor Schock (via email)
Tracy Davis (via email)
Erik Edison (via email)



285034 Page 1 of 3
12/16/2025
Burke County Recorder



285034 \$20.00

STATE OF NORTH DAKOTA BURKE COUNTY
I hereby certify that this instrument was filed for record
on 12/16/2025 @ 1:30 PM

By *Lynette Nelson, County Recorder*

By *Jacqueline H. Nelson*

BURKE COUNTY, BOWBELLS, NORTH DAKOTA

CONDITIONAL USE PERMIT

NAME OF APPLICANT: NORTHERN DIVIDE ENERGY STORAGE, LLC

NAMES OF LANDOWNER: NORTHERN DIVIDE WIND, LLC (OWNER OF OUTLOT 259 ONLY)

LEGAL DESCRIPTION: OUTLOTS 292 AND 259, SE1/4 SECTION 17, TOWNSHIP 161 NORTH, RANGE 93 WEST

HAVING REVIEWED THE CONDITIONAL USE WITH RESPECT TO THE PROVISIONS OF ARTICLE 4, SECTION 4 OF THE BURKE COUNTY ZONING REGULATIONS, THE BURKE COUNTY COMMISSIONERS AGREE TO THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A BATTERY ENERGY STORAGE SYSTEM TO THE ABOVE-NAMED APPLICANT, CONTINGENT UPON THE FOLLOWING CONDITIONS:

1. APPLICANT SHALL CONTROL DUST AS DIRECTED BY THE BURKE COUNTY ROAD SUPERINTENDENT.
2. APPLICANT SHALL ADHERE TO SOUND RESTRICTIONS DETAILED IN THE PROJECT NARRATIVE SUBMITTED.
3. APPLICANT SHALL ADHERE TO THE EMERGENCY RESPONSE PLAN DETAILED IN THE PROJECT NARRATIVE SUBMITTED.
4. APPLICANT SHALL ADHERE TO THE NOXIOUS WEED MANAGEMENT PLAN IN THE PROJECT NARRATIVE SUBMITTED.
5. APPLICANT SHALL CARRY OUT ALL OTHER ASPECTS OF THE PROJECT AS DETAILED IN THE PROJECT NARRATIVE SUBMITTED AS PART OF THE APPLICATION.
6. ANY PROPOSED CHANGE OF THE CONDITIONAL USE PERMIT SHALL REQUIRE A HEARING BEFORE THE BURKE COUNTY PLANNING AND ZONING BOARD AND APPROVAL FROM BURKE COUNTY COMMISSIONERS.

SHOULD THE APPLICANT VIOLATE ANY OR ALL OF THE ABOVE STATED CONDITIONS, THE CONDITIONAL USE PERMIT SHALL BE DECLARED INVALID, AND APPROPRIATE ACTION WILL BE INSTITUTED BY THE BURKE COUNTY COMMISSIONERS.

Richard 2. Owings

12/16/25

Richard Owings, Chairman
Burke County Planning & Zoning Council

State of North Dakota
County of Burke

AMIE VANDEGRAFT
Notary Public
State of North Dakota
My Commission Expires Feb 16, 2027

Amie Vand

On this 16 day of December 2025, Richard Owings personally appeared before me, known to me to be the person described in and who executed the within and foregoing instrument and acknowledge that he executed the same.

Anthony Pedroni

12/16/25

Anthony Pedroni
Northern Divide Wind, LLC, Landowner

Date

State of Florida
County of Palm Beach

On this 1 day of December 2025, Anthony Pedroni personally appeared before me, known to me to be the person described in and who executed the within and foregoing instrument and acknowledge that he executed the same.

Anthony Pedroni

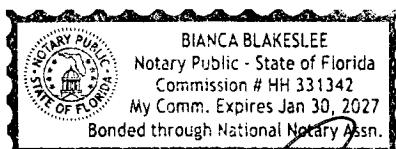
12/16/25

Anthony Pedroni
Northern Divide Energy Storage, LLC, Applicant

Date

State of Florida
County of Palm Beach

On this 1 day of December 2025, Anthony Pedroni personally appeared before me, known to me to be the person described in and who executed the within and foregoing instrument and acknowledge that he executed the same.



Bianca Blakeslee

State of Florida
county of Palm Beach



285034 Page 3 of 3
12/16/2025
Burke County Recorder



**BURKE COUNTY, NORTH DAKOTA
AMENDMENT (REZONE)**

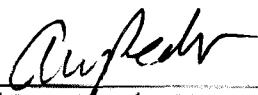
TO ACCOMPANY BUILDING PERMIT ISSUED TO NORTHERN DIVIDE ENERGY STORAGE, LLC

NAME OF APPLICANT NORTHERN DIVIDE ENERGY STORAGE, LLC

LEGAL DESCRIPTION:

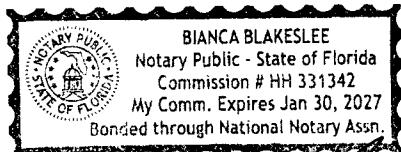
SE 1/4 SECTION 17, TOWNSHIP 161 NORTH, RANGE 93 WEST
OUTLOT 292

HAVING REVIEWED THE APPLIED FOR AMENDMENT TO REZONE
THIS TRACT OF LAND FROM AGRICULTURAL TO INDUSTRIAL, WITH
RESPECT TO THE PROVISIONS OF THE BURKE COUNTY ZONING
ORDINANCE, THE BURKE COUNTY BOARD OF COMMISSIONERS
AGREE TO THE APPROVAL OF THE AMENDMENT TO THE ZONING
DISTRICT MAP TO THE ABOVE-NAMED APPLICANT.

 12/1/25
SIGNATURE OF LANDOWNER DATE

 12/1/25
SIGNATURE OF APPLICANT DATE

 10-17-25
SIGNATURE OF ZONING ADMINISTRATOR DATE




State of Florida
County of Palm Beach

285034
BURKE COUNTY PLANNING & ZONING
PO BOX 310
BOWBELLS, ND 58721
Grant/Legal Satisfv
Verified
Trans/Min