

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,

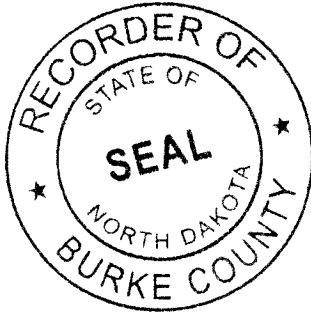
/s/ Casey A. Furey

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
Lynette Nelson, County Recorder
By *Jacqueline H. Hotsel*

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:

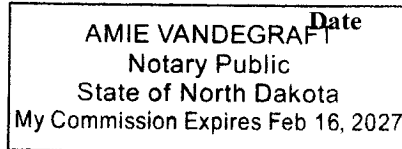
- 1. APPLICANT SHALL CONTROL DUST AS DIRECTED BY THE BURKE COUNTY ROAD SUPERINTENDENT.**
- 2. APPLICANT SHALL ADHERE TO SOUND RESTRICTIONS DETAILED IN THE PROJECT NARRATIVE SUBMITTED.**
- 3. APPLICANT SHALL ADHERE TO THE EMERGENCY RESPONSE PLAN DETAILED IN THE PROJECT NARRATIVE SUBMITTED.**
- 4. APPLICANT 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

Richard Owings, Chairman
Burke County Planning & Zoning Council

State of North Dakota
County of Burke



12/16/25

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

Anthony Pedroni
Northern Divide Wind, LLC, Landowner

State of Florida
County of Palm Beach

12/1/25

Date

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

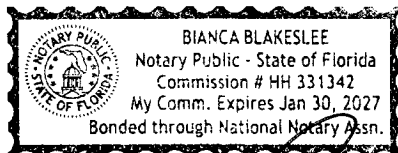
Anthony Pedroni
Northern Divide Energy Storage, LLC, Applicant

State of Florida
County of Palm Beach

12/1/25

Date

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.



[Signature]

State of Florida
County of Palm Beach





**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

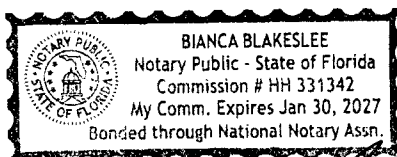
LEGAL DESCRIPTION:

**SE1/4 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