



Casey A. Furey  
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 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  
Lynette Nelson, County Recorder  
By *Jacqueline H. Nelson*

#### BURKE COUNTY, BOWBELLS, NORTH DAKOTA

#### CONDITIONAL USE PERMIT

NAME OF APPLICANT: NORTHERN DIVIDE ENERGY STORAGE, LLC

NAME 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

Date

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

12/1/25

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

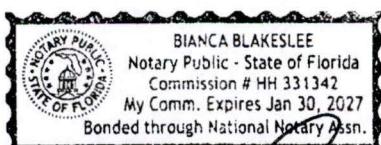
12/1/25

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.



State of Florida  
county of Palm Beach

Bianca Blakeslee



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:

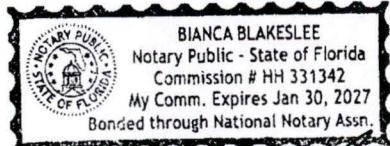
SE1/4 SECTION 17, TOWNSHIP 161 NORTH, RANGE 93 WEST  
OUTLOT 292

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.

*Aug 2025* 12/1/25  
SIGNATURE OF LANDOWNER DATE

*Aug 2025* 12/1/25  
SIGNATURE OF APPLICANT DATE

*Dee Edwards* 10-17-21  
SIGNATURE OF ZONING ADMINISTRATOR DATE



*State of Florida  
County of Palm Beach*

*BJS*

285034  
BURKE COUNTY PLANNING & ZONING  
PO BOX 310  
BOWBELLS, ND 58721

Grant/Legal  Satisfy

Verified

Trans/Min