

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

* * * * *

IN THE MATTER OF THE FILING	*	Docket Number PS07-002
OF THE INVESTIGATION OF THE	*	
NATURAL GAS INCIDENT OF	*	PETITION OF ARDEN LEMKE, d/b/a
MARCH 8, 2007 IN MITCHELL,	*	LEMKE DIGGING & GEOTHERMO
SOUTH DAKOTA	*	DRILLING, TO INTERVENE

* * * * *

Pursuant to ARSD 20:10:01:15.02, Arden Lemke, d/b/a Lemke Digging & Geothermo Drilling ("Lemke"), by his undersigned counsel, petitions the Commission as follows:

1. Lemke has previously advised the Commission Staff of his interest regarding the pipeline explosion on March 7, 2007, at 1612 Bridle Drive in Mitchell, South Dakota.
2. On July 17, 2007, Lemke was notified:
 - (a) Commission Staff conducted an informal fact-finding investigation, which was inconclusive.
 - (b) It is now apparent forensic tests are required of the natural gas pipe from North Western Energy's distribution system that is suspected to have failed and allowed natural gas to leak from the pipe and cause the explosion.
 - (c) North Western Energy ("NWE") desires to conduct such tests with its own expert(s) to protect itself in the event future litigation ensues.
 - (d) Commission Staff understands NWE's position and

anticipates others may also desire tests by their own experts.

- (e) In order to best protect the public interest, the Commission must conduct a forensic test by an independent third party without any pre-existing relationship with NWE or other interested parties.
- (f) Destructive testing is anticipated.

3. As a result of this notification, Lemke believes he could be adversely affected if he is not allowed to intervene as to the selection of the independent third-party expert and as to the destructive testing of the natural gas pipe.

4. Lemke, through his attorneys, has retained experts, who should be allowed to participate in the "collaborative testing" of the pipe so that his interests are protected.

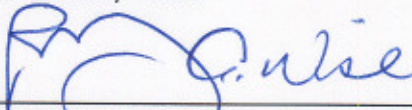
5. Lemke's interests are peculiar to him as distinguished from an interest common to the public or to the taxpayers in general.

WHEREFORE, Lemke respectfully petitions the Commission for leave to intervene in this matter.

Dated this 23rd day of July, 2007.

One Court Street
Post Office Box 1030
Aberdeen, SD 57402-1030
Telephone No. (605)225-6310
Fax No. (605)225-2743
E-Mail: rwise@rwwsh.com

RICHARDSON, WYLY, WISE, SAUCK
& HIEB, LLP

By 
Attorneys for Lemke Digging &
Geothermo Drilling

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Lemke Digging & Geothermo Drilling, hereby certifies that on the 23rd day of July, 2007, and in accordance with ARSD 20:10:01:02.02, a true and correct copy of **PETITION OF ARDEN LEMKE, d/b/a LEMKE DIGGING & GEOTHERMO DRILLING, TO INTERVENE** in the above matter was served electronically upon:

Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
patty.vangerpen@state.sd.us

Kara Van Bockern
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
kara.vanbockern@state.sd.us

Martin Bettman
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
martin.bettmann@state.sd.us

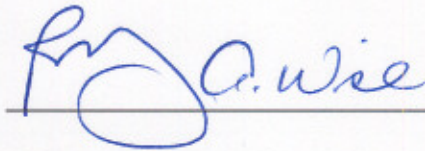
Sandra Hoglund Hanson
Davenport, Evans, Hurwitz & Smith, L.L.P.
Attorneys at Law
Post Office Box 1030
Sioux Falls, SD 57101-1030
shanson@dehs.com

Michael J. Schaffer
Schaffer Law Office, Prof.LLC
412 West 9th Street
Sioux Falls, SD 57104-3602
mikes@schafferlawoffice.com

Jeffrey M. Baill
Yost & Baill, LLP
2050 U.S. Bank Plaza
220 South Sixth Street
Minneapolis, MN 55402
jbaillyostbaill.com

Mark J. Arndt
Jason W. Shanks
May & Johnson, P.C.
Attorneys at Law
Post Office Box 88738
Sioux Falls, SD 57109-8738
marndt@mayjohnson.com
jshanks@mayjohnson.com

Mark D. O'Leary
O'Leary Law Office
3500 South Phillips Avenue, #120
Sioux Falls, SD 57105-6864
olearyoffice@midconetwork.com

A handwritten signature in blue ink, appearing to read "for A. Wise", is written above a horizontal line.