CASS COUNTY GOVERNMENT

Equalization Department
701-241-5616
assessor@casscountynd.gov

Appeal of Omitted Assessments for 2024 and 2025

Property: **41 7th Ave S Kindred, ND**

Owner: **MLGC LLC**

Parcel: **04-0520-00010-000**

Members of the State Board of Equalization,

The appeal at hand relates to omitted assessments for tax years 2024 and 2025, and does not include an appeal for tax year 2026. A review of the subject property found that an agricultural commodity was planted to approximately 7 acres of land in 2024 and 2025, and agricultural land value was assessed to the property accordingly.

The appellant has made clear that they feel this valuation is contradictory to NDCC 57-34, because they are a telecommunications provider covered by the gross receipts tax outlined in that chapter. Cass County has determined that land used for agriculture would not be covered by the gross receipts tax, as NDCC § 57-34-11 makes it clear that the payment in lieu of taxes only covers real property "to the extent the property is directly used by the telecommunications carrier in its telecommunications operations." To date, the appellant has not provided evidence that the acreage in question is being used in any telecommunications capacity in addition to the obvious agricultural use.

We appreciate the Board's time in reviewing this case, and we are available to answer any additional questions.

Thank you,

Matt Stanger, Director of Equalization

CASS COUNTY BOARD OF COMMISSIONERS MINUTES

Monday, April 20, 2026--3:30 PM

Commission Room, Cass County Courthouse

A. MEETING OPENING

1. Call to Order

   Vice Chairman Tim Flakoll called the meeting to order at 3:30 PM.

2. Roll Call of Commissioners

   All members were present as follows: Jim Kapitan, Joel Vettel, Duane Breitling, and Tim Flakoll in person; and Tony Grindberg via Microsoft Teams.

3. Pledge of Allegiance

   Mr. Kapitan led the Pledge of Allegiance.

4. Approve Minutes of Previous Meeting

   Regular Meeting - Apr 06 2026 - Minutes - Html

   Approve minutes from the April 6, 2026 meeting as presented.

   Moved by: Duane Breitling; seconded by: Jim Kapitan

   Carried

5. Approve Order of Agenda

   Amend the order of the agenda and move consent agenda item 3. Omitted assessments to the regular agenda and the addition of item 14. Authorize updated agreement with Vogel Law Firm for employment law consultation services.

   Moved by: Joel Vettel; seconded by: Duane Breitling

   Carried

B. CONSENT AGENDA

Approve the consent agenda as amended.

Moved by: Duane Breitling; seconded by: Jim Kapitan

Aye: Duane Breitling, Jim Kapitan, Tony Grindberg, Joel Vettel, and Tim Flakoll

Carried 5-0

1. **Authorize the chairman to sign the Inter-Local Agreement with the City of Fargo for sharing of the Edward Byrne Memorial Justice Assistance Grant ; and authorize Michele Harmon, Grant Manager with the Cass County Sheriff's Office to act as our agent in applying electronically for and completing any**

County Director of Tax Equalization, Matt Stanger was present to discuss abatement 4639 for Michael J. DePree for a property located at 2665 Meadow Creek Circle South in the City of Fargo. Mr. Stanger said the property was reported to have been damaged or destroyed by fire in 2025, and the applicant provided adequate documentation supporting the loss. He said state law authorizes the County Commission to abate the true and full value of improvements from the date of destruction through the remainder of the taxable year. Mr. Stanger recommended approving the abatement application to reflect the removal of value for property that no longer exists.

Approve abatement 4639 as submitted by the applicant.

Moved by: Jim Kapitan; seconded by: Duane Breitling

Carried

2. **Abatements 4641, 4642 for New Horizon Homes (Matt Stanger)**

Mr. Stanger discussed abatements 4641 and 4642 for New Horizon Homes regarding two properties in Horace, and noted the properties were previously heard as omitted assessment at the last Commission meeting. He explained that the property owner had requested full abatements to zero after the properties were discovered to have been omitted from the tax rolls due to a software issue dating back to approximately the 2024 tax year. Mr. Stanger said that the issue has since been corrected in coordination with the Finance Office and the county is required to restore the taxable value to the tax roll. He said a full abatement would not be supported without sufficient cause. Mr. Stanger said upon review, he recommends a 30 percent reduction in value for tax years 2024 and 2025 to align with comparable properties.

Chris Mack, representing New Horizon Homes, was present and said after further discussion with staff, he agreed with the 30 percent reduction and supported the revised valuation.

Approve abatement 4641 and 4642 with a 30% reduction in valuation for a true and full value of $842,200.

Moved by: Jim Kapitan; seconded by: Duane Breitling

Carried

3. **Approve Omitted Assessment as submitted by the Finance Office for parcels 03-1770-00470-000, 04-0520-00010-000, 13-0100-12674-000, 17-0200-13608-000, 19-0200-14082-010, 19-0600-14251-010 & 21-0000-00170-030 (Matt Stanger).**

Request from applicant.

Mr. Stanger said this item was removed from the consent agenda to allow a property owner to speak. He explained that the omitted assessments were the result of a software issue affecting properties with outdated exemptions. He stated that the MLGC LLC property, located in the City of Kindred, had previously been classified as exempt when owned by a governing body, and that exemption was not removed when ownership changed. Mr. Stanger said the property is now owned by a centrally assessed telecommunications entity subject to gross receipts tax, which applies only to property directly used for telecommunications purposes. He stated that based on available imagery, a portion of the land appeared to be used for agricultural purposes, and therefore agricultural values were applied for tax years 2024 and 2025.

Tyler Kildy, representing MLGC LLC, stated that the land was not being used for agricultural purposes but was being maintained by a neighboring farmer solely for weed control without compensation. He stated that the property is in the process of being developed for telecommunications use and that taxes are already paid through the gross receipts tax system. He expressed concern that the assessment would result in double taxation.

Mr. Stanger said the property valuation is based on actual use and that the burden is on the property owner to demonstrate that the land is primarily used for telecommunications purposes in order to qualify under the gross receipts tax structure. He said gross receipts tax is allocated by the state and applies only to property directly used in providing telecommunications services. He explained that land not actively used for that purpose must be assessed based on its current use, and that valuation determinations rely on observable use of the property.

Mr. Kildy said based on his experience in the telecommunications industry, the gross receipts tax system was intended to account for property taxation and avoid duplicative taxation. He referenced past interactions with local authorities where portions of property use were evaluated to determine appropriate taxation treatment. He expressed concern that the current assessment relied on aerial imagery rather than an on-site review and did not account for the intended telecommunications use of the property.

Mr. Breitling asked about the status of development on the property. Mr. Kildy stated that the land has been staked for development and that construction is pending approval from federal authorities. He noted that existing structures are present on the property and that no active agricultural operation is taking place. He said the presence of a neighboring farmer was solely for weed control purposes and did not constitute agricultural use.

Mr. Stanger reiterated that, under County interpretation, the primary use of the land must be telecommunications in order to qualify under the gross receipts tax framework, and that the burden of demonstrating that use rests with the property owner.

Table action on omitted assessment for parcel 04-0520-0010-000 for until further review and adequate answers.

Moved by: Joel Vettel; seconded by: Duane Breitling

Aye: Duane Breitling, Jim Kapitan, Tony Grindberg, Joel Vettel, and Tim Flakoll

Carried 5-0

Approve omitted assessments for 03-1770-00470-000, 13-0100-12674-000, 17-0200-13608-000, 19-0200-14082-010, 19-0600-14251-010, and 21-0000-00170-030 as submitted by the Finance Office.

Moved by: Joel Vettel; seconded by: Jim Kapitan

Aye: Duane Breitling, Jim Kapitan, Tony Grindberg, Joel Vettel, and Tim Flakoll

Carried 5-0

4. **Final Hearing for an Amendment for Ordinance 2025-1 Cass County Floodplain Development Ordinance (Cole Hansen)**

County Planner, Cole Hansen was present and said this item was the second and final reading of updates to the floodplain development ordinance. He explained that the changes were limited to Section 1.0, specifically updating references to state statute to ensure consistency with Senate Bill 2027, which became effective on August 1, 2025. He noted that the amendments were administrative in nature and intended to align the ordinance with current law.

Approve the final reading for an amendment to the Cass County Floodplain Development Ordinance, Ordinance #2025-1.

Moved by: Duane Breitling; seconded by: Tony Grindberg

Carried

5. **Approve purchase of election facility cameras (Bob Henderson and Sarah Heinle)**

County Information Technology Director, Bob Henderson was present to discuss a request for an updated camera system for election facilities. He explained the need arose due to the relocation of election equipment from the warehouse to the annex basement, which prompted a review of camera coverage. During that review, it was determined that the existing camera system was outdated and no longer met operational or security needs. Mr. Henderson said the proposed solution is a self-contained, portable camera system that can be relocated if the election warehouse is moved in the future. He said the system would provide improved image quality and enhanced security features, including night vision, and would allow for complete control and auditing of access independent of other county systems. Mr. Henderson said installation would be completed by county staff, eliminating the need for third-party contractors, and that the system could be operational prior to the upcoming primary election if approved promptly. He said the purchase would require a budget adjustment to the election fund in the amount of $15,375, as the expense had not been previously budgeted.

and crime scenes with all technology equipment to effectively manage a scene. This saved Cass County Government and the Cass County Sheriff's Office major budget expenses as he volunteered himself and his staff to complete the work internally. Network Service Manager Welle has shown that he will accept any challenge presented to him. Network Service Manager Welle's knowledge of technology and his efforts are commendable and reflect great credit upon himself, significantly benefiting the Sheriff's Office towards the accomplishment of its mission, vision, values and goals.

Reserve Deputy of the Year | Deputy of the Year | Supervisor of the Year

The nominees are selected by their peers.

2025 Reserve Deputy of the Year

Kandi Qual

2025 Deputy of the Year

Bryce Noonan

2025 Supervisor of the Year

Kris Kevorkian

D. PUBLIC COMMENT

Public comment policy

E. ADJOURNMENT

Adjourn at 4:23 p.m.

Moved by: Joel Vettel; seconded by: Duane Breitling

Aye: Duane Breitling, Jim Kapitan, Tony Grindberg, Joel Vettel, and Tim Flakoll

Carried 5-0

Sarah Heinle

Sarah Heinle, Finance Director

Tony Grindberg

Tony Grindberg, Chairman Cass County Board of Commissioners

CASS COUNTY GOVERNMENT

Finance Office

Telephone: 701-241-5600
Fax: 701-241-5728
SMB-FIN@casscountynd.gov

ASSESSMENT NOTICE TO PROPERTY OWNER

OF ASSESSMENT BY COUNTY FINANCE DIRECTOR
OF OMITTED PROPERTY SUBJECT TO TAXATION

STATE OF NORTH DAKOTA, COUNTY OF CASS

To: MLGC LLC
301 DEWEY ST
ENDERLIN, ND 58027-1153

You are hereby notified that the following described property, according to the records of this office, has been omitted from assessment and taxation for the year indicated opposite the description of said property; that in conformity with my duty under the law as specifically directed under provisions of North Dakota Century Code 57-14, I have assessed the property described herein at the valuation entered opposite the description of said property for each of the years in which assessment and taxation has been omitted:

Description of Omitted Property	**Years Not Assessed**	**True & Full Valuation**
04-0520-00010-000	2024 & 2025	$16,600 Total True & Full Value
Lot 1 Block 1		Reason for increase: ***Add Value/***
MLGC Addition		***Remove Exemption***

You are hereby notified that you may appear at the Office of Cass County Finance Director, Cass County Courthouse, Fargo, North Dakota, before 10:00 AM, on the 20th day of April, 2026, to show cause, if any, why such property should not be added to the assessment rolls and assessed and taxed for the year in which assessment and taxation was omitted as stated above.

The assessment of the above described property as made by me will be reviewed and equalized by the Board of County Commissioners at their next regular meeting to be held on 20th day of April, 2026 at 3:30 PM. A new property tax statement stamped "CORRECTED STATEMENT" will be mailed following this meeting. Please be certain to inform your mortgage service provider of the corrected valuation as your tax due will increase and your escrow will likely need to be adjusted.

If you have any questions, you may call the Cass County Tax Equalization Office at 701-241-5616.

Given under my hand and seal this 7th day of April 2026.

Sarah Heinle

Sarah Heinle
Cass County Finance Director

CASS COUNTY BOARD OF COMMISSIONERS MINUTES

Monday, July 6, 2026--3:30 PM

Commission Room, Cass County Courthouse

A. MEETING OPENING

1. Call to Order

   Chairman Tony Grindberg called the meeting to order at 3:30 PM.

2. Roll Call of Commissioners

   Members were present as follows: Tony Grindberg, Jim Kapitan, Tim Flakoll, Duane Breitling, and Joel Vettel.

3. Pledge of Allegiance

   Fargo Mayor, Josh Boschee led the Pledge of Allegiance.

   Mr. Boschee thanked the Board for the invitation and opportunity to lead the Pledge of Allegiance. Mr. Boschee said he would be sworn in as Mayor of Fargo, later that day, along with two new commissioners, and that it was an exciting time transition for the City of Fargo. He thanked the commissioners for the work they had done to support the communities throughout Cass County. He said Fargo's continued growth would depend on strong partnerships with Cass County and neighboring communities. He recognized the importance of projects such as the Red River Valley Water Supply Project, the Metro Flood Diversion Authority, regional water systems, and water reclamation projects in preparing the region for future growth.

   Mr. Boschee said his background in real estate provided him with an interest in planning for smart growth and ensuring the city remained a reliable partner for developers and home builders. He said he looked forward to working with the County on regional housing discussions and planning efforts. He said Cass County and Fargo should continue working together to ensure the region remained a great place to live, work, attend school, start businesses, and visit.

   Mr. Grindberg presented Mr. Boschee with a token of appreciation from Cass County, a pledge coin. Mr. Grindberg said Cass County was providing the first gift token presented to Mr. Boschee and expressed hope that it would serve as a reminder of the partnership between Cass County and the City of Fargo.

of the Annex with Nova Fire Protection, Inc. in the amount of $8,075.00.

6. Approve the revised omitted assessments for 2024 and 2025.

7. Authorize contract documents with Redstone Construction, LLC for structure replacement and incidentals in Normanna Township over the Sheyenne River.

8. Grant site authorization permit to conduct games of chance under license issued by the North Dakota Attorney General's Office on January 30, 2027, for Cass County Wildlife Club at Bonanzaville USA in West Fargo.

9. Recognize Cass County's intent to initiate the necessary processes to receive and preserve Historic State Line Marker #107 for future public display on Cass County property.

C. REGULAR AGENDA

1. Big Stone South to Hankinson to Bison 345-kV Transmission Line (Craig Steingaard)

Craig Steingaard, Senior Transmission Project Developer with Otter Tail Power Company, introduced the Big Stone South to Hankinson to Bison 345-kV Transmission Line project. Mr. Steingaard explained that the electric grid consists of three components: generation, transmission, and distribution, and said this project focuses on the transmission portion by moving large amounts of electricity from generation sources to distribution systems. He said regional transmission systems are experiencing increased strain due to reliability concerns, severe weather, congestion, and the need for access to lower-cost energy.

Mr. Steingaard said the project is currently in the route development phase, with the team reviewing public input, landowner feedback, and agency coordination. He said anticipated regulatory filings include a South Dakota facility permit application in 2026, a North Dakota Certificate of Public Convenience and Necessity application in 2027, and a route permit application in 2028. He said construction is expected to begin in 2030, with the project anticipated to be in service in 2034. Mr. Steingaard said the project will use self-supporting steel monopoles generally ranging from 120 to 160 feet in height, with a 150-foot right-of-way and aluminum conductor steel-reinforced wire. Mr. Steingaard provided contact information for landowners and community members seeking additional information or wishing to submit comments.

2. Reclassify one Sergeant position to Lieutenant (Jesse Jahner)

County Sheriff Jesse Jahner was present to discuss a request to reclassify one current sergeant position to a lieutenant position. Mr. Jahner said the request would not add a position but would reclassify an existing position within the current budget. He said the request was needed due to increased contracted law enforcement services provided to area communities, including Castleton, Mapleton, Reile's Acres, Horace, and Kindred. He said the lieutenant position would assist with attending city council meetings, improving communication with municipal leaders, and providing additional oversight and coordination for contracted services. Mr. Jahner said the cost difference between the sergeant and lieutenant classifications would be approximately $5,000 and could be absorbed within the existing Sheriff's Office budget.

Authorize the reclassification of one existing Sergeant position (C44) to a Lieutenant position (C51).

Moved by: Jim Kapitan; seconded by: Joel Vettel

Aye: Duane Breitling, Jim Kapitan, Tony Grindberg, Joel Vettel, and Tim Flakoll

Carried 5-0

Mr. Grindberg paused the regular agenda items to allow a member of the public to address an item that had been included on the consent agenda. Michael Studer, an attorney with Serkland Law Firm, appeared on behalf of Griggs County Telephone Co.-MLGC, LLC. Mr. Studer said he was addressing the approval of revised omitted assessments for 2024 and 2025 related to property owned by MLGC. He said MLGC opposed the proposed assessment of property located in Kindred and believes the property is exempt from property taxation under North Dakota Century Code Chapter 57-34 because the property was used for telecommunications operations.

Mr. Studer said the county's position was that a portion of the property was being used for agricultural purposes and was therefore subject to assessment. He said aerial photographs used in the review did not show underground fiber infrastructure and did not represent the complete use of the property. He requested that the Board reconsider the assessment and not assess the property for taxes.

County Director of Tax Equalization, Matt Stanger was present and said the matter had been intended for the regular agenda but was mistakenly included on the consent agenda. He said the recommended process was to complete the equalization process by approving the omitted assessment and then allow the property owner to proceed through the formal abatement process if they wished to dispute the assessment. He said additional evidence regarding the property's use and infrastructure would be helpful during that process.

Mr. Stanger said the abatement process could begin because the 2024 and 2025 tax years have closed. He explained that the application would proceed through the appropriate local review process before returning to the County Commission. The Board acknowledged the process and agreed to continue working with the property owner through the formal abatement procedure. No additional motion was required because the consent agenda had already been approved.

3. **Annex Remodel Notice to Proceed Mechanical Contractor (Robert Wilson)**

County Administrator, Robert Wilson was present via Microsoft Teams and provided an update regarding the Cass County Annex Remodel Project. Mr. Wilson

Sarah Heinle, Finance Director

Tony Grindberg, Chairman Cass County Board of Commissioners

CASS COUNTY GOVERNMENT

Equalization Department
701-241-5616
assessor@casscountynd.gov

MEMO

TO: County Commission

FROM: Matt Stanger
Director of Equalization

DATE: June 22, 2026

SUBJECT: Omitted Assessment for 04-0520-00010-000 for MLGC LLC

The omitted assessments for 2024 and 2025 for parcel 04-0520-00010-000, owned by MLGC LLC, were previously reviewed by the Commission on April 20, 2026, and tabled until further discussions could be held with the property owner.

Following those discussions and further review by the county assessor, it was determined that the proposed value of the omitted agricultural property exceeded the true and full value of the acreage determined to have an agricultural use. Based on these findings, the Director of Equalization is recommending that the equalized value for years 2024 and 2025 for this property be adjusted as follows:

Original Assessed Value for 2024 and 2025: $16,600 (each year)
Corrected Assessed Value for 2024 and 2025: $9,400 (each year)

Suggested Motion:
Accept the proposed value as recommended by the Director of Equalization to be added to the 2024 and 2025 tax rolls.

CHAPTER 57-34
TELECOMMUNICATIONS CARRIERS TAXATION

57-34-01. Definitions.

The definitions in this section may not be construed to subject a telecommunications carrier or telecommunications service to the provisions of title 49. As used in this chapter, unless the context or subject matter otherwise clearly requires:

1. "Adjusted gross receipts" means telecommunications carrier gross receipts less all amounts paid by the reporting telecommunications carrier on telecommunications service that is taxable under this chapter in state and local sales and use taxes and federal excise taxes and less amounts paid by the reporting telecommunications carrier to another telecommunications carrier for directory assistance originated by a caller in this state.
2. "Company" includes any individual, copartnership, business trust, corporation, limited liability company, joint-stock company, association, or any other organization.
3. "Gross receipts" means all telecommunications carrier retail revenues from telecommunications service charges billed to any station in this state and from charges to another telecommunications carrier for directory assistance originated by a caller in this state.
4. "Station" means a subscriber service address located in this state with a distinct call number designation or distinct extension number designation. If this is not a defined location, "station" means the location of the primary use of telecommunications equipment as determined by telephone number, authorization code, or billing address.
5. "Telecommunications carrier" means a company that is engaged in the business of furnishing telecommunications service within this state. The term includes a reseller of telecommunications service.
6. "Telecommunications service" means transmitting for consideration of two-way communication by wire, cable, fiber optics, radio, lightwave, microwave, satellite, or other means. The term includes:
    a. Essential telecommunications service and nonessential telecommunications service as defined in section 49-21-01;
    b. Telecommunications service that originates and terminates in this state and is billed to a station in this state;
    c. Interstate telecommunications service that originates or terminates in this state and is billed to a station in this state;
    d. Mobile telecommunications service that is deemed to be provided by the customer's home service provider under chapter 57-34.1, regardless of where the mobile telecommunications service originates, terminates, or passes through; and
    e. Telegraph service.
7. "Telecommunications service charges" means the value of all consideration received by a telecommunications carrier for provision of telecommunications service and recovery within the year of telecommunications service charges written off in a prior year as uncollectible. For a telecommunications carrier operating on any form of mutual basis, the term includes all amounts assessed against the members for the operation and maintenance of the business. The term does not include revenue from merchandising, jobbing and contract work, maintenance or repair of customer premises equipment including equipment leased or rented by the customer from any source, operations not directly related to provision of telecommunications service, amounts charged for billing and collection on behalf of another telecommunications carrier, proceeds from transfer of capital stock, or transfer, sale, or lease of property not directly related to telecommunications service. The term does not include amounts collected for or amounts collected from federal and state mechanisms to preserve and advance universal service.

57-34-02. Reports of telecommunications carriers.

Each telecommunications carrier subject to gross receipts taxes under this chapter shall make and file with the tax commissioner, on or before May first of each year, on the form as the tax commissioner may prescribe, a report containing a statement of its gross receipts in this state during the preceding calendar year, amounts paid by the carrier on telecommunications service that is taxable under this chapter during the preceding calendar year in state and local sales and use taxes and federal excise taxes, amounts received from or paid to another telecommunications carrier for directory assistance, and any other information as the tax commissioner may require. The form must include a notice of a telecommunications carrier's right to appeal its assessment to the state board of equalization prior to or at the August meeting of the state board of equalization. Each report must be signed, subject to section 12.1-11-02, by the president, secretary, or other official of the telecommunications carrier.

57-34-03. Computation of taxes by tax commissioner - Exemption for high-volume customers - Continuing appropriation.

1. On or before July fifteenth of each year, the tax commissioner shall review the report under section 57-34-02 and compute the total tax to be assessed against each telecommunications carrier in this state at a rate of two and one-half percent of adjusted gross receipts. If the tax commissioner's computation of the total tax differs from the amount computed by a telecommunications carrier, the tax commissioner shall give notice of the change by mail to that telecommunications carrier on or before July fifteenth. The state board of equalization shall assess the tax under this section after consideration of any contest presented.
2. A telecommunications carrier's retail customer in this state is entitled to a refund equal to two and one-half percent of the amount of telecommunications service charges paid to telecommunications carriers by that customer in excess of eight hundred thousand dollars in a calendar year. A refund claim under this subsection must be filed with the tax commissioner before December thirty-first of the year following the calendar year for which the refund is claimed. A claim for refund must be made in the manner prescribed by the tax commissioner. The tax commissioner shall verify that the telecommunications carrier to which the retail customer paid telecommunications service charges has paid the telecommunications gross receipts tax for the year for which the refund is claimed before a refund may be paid. Refunds under this subsection must be paid by the tax commissioner and are appropriated from the state general fund as a standing and continuing appropriation to the tax commissioner for that purpose.

57-34-04. Assessment by state board of equalization.

Repealed by S.L. 1997, ch. 483, § 15.

57-34-04.1. Tax commissioner to audit returns and state board of equalization to assess tax.

The tax commissioner shall proceed to audit the returns of telecommunications carriers not later than three years after the due date of the return, or three years after the return was filed, whichever period expires later. The state board of equalization shall assess the tax and, if any additional tax is found due, the tax commissioner shall notify the taxpayer in detail as to the reason for the increase.

57-34-04.2. Deficiency, protest, and appeal.

1. When tax is understated on a return because of a mathematical or clerical error, the tax commissioner shall notify the telecommunications carrier of the error and the amount of additional tax due. This notice is not a notice of deficiency and the telecommunications carrier has no right to protest.
2. If upon audit the tax commissioner finds additional tax due, the tax commissioner shall notify the telecommunications carrier and the state board of equalization of the

deficiency in the tax amount. A notice of deficiency must be sent to the telecommunications carrier by first-class mail and must state the amount of additional tax due and set forth the reasons for the increase.

3. A telecommunications carrier has thirty days from the date of mailing of the notice of deficiency to file a written protest with the state board of equalization objecting to the assessment of additional tax due. The protest must set forth the basis for the protest and any other information that may be required by the state board of equalization. If a telecommunications carrier fails to file a written protest within the time provided, the amount of additional tax stated in the notice of deficiency becomes finally and irrevocably fixed. If a telecommunications carrier protests only a portion of the tax commissioner's finding, the portion that is not protested becomes finally and irrevocably fixed.
4. If a protest is filed, the state board of equalization shall reconsider the assessment of additional tax due.
5. Within six months after the protest is filed, the state board of equalization shall mail to the telecommunications carrier a notice of reconsideration and assessment which must respond to the telecommunications carrier's protest and assess the amount of any additional tax due. The amount set forth in that notice becomes finally and irrevocably fixed unless the telecommunications carrier brings an action against the state in district court within six months of the mailing of the notice of reconsideration and assessment.

57-34-04.3. Claims for credit or refund - Continuing appropriation.

1. A telecommunications carrier may file a claim for credit or refund of an overpayment of any tax imposed by this chapter within three years after the due date of the return or within three years after the return was filed, whichever period expires later.
2. A claim for credit or refund must be made by filing with the tax commissioner an amended return, or other report as prescribed by the tax commissioner, accompanied by a statement outlining the specific grounds upon which the claim for credit or refund is based.
3. Refunds under this section must be paid by the tax commissioner and are appropriated from the state general fund as a standing and continuing appropriation to the tax commissioner for that purpose.
4. The tax commissioner shall notify the telecommunications carrier if the state board of equalization disallows all or part of a claim for credit or refund. The decision of the state board of equalization denying a claim for credit or refund is final and irrevocable unless the telecommunications carrier brings an action against the state in district court within six months of the mailing of the notice denying the claim for credit or refund.

57-34-04.4. Preservation of records.

Every telecommunications carrier required to make a return and pay any tax under this chapter shall preserve records of the gross proceeds of sale as the commissioner may require and every carrier shall preserve for a period of three years and three months all invoices and other records of telecommunications services purchased for resale. All of these books, invoices, and other records must be open to examination at any time by the commissioner or any duly authorized agent of the commissioner.

57-34-04.5. Resale certificates.

A telecommunications carrier who receives a resale certificate certifying that another telecommunications carrier holds a North Dakota sales and use tax permit for sales or use tax purposes under section 57-39.2-14 is relieved from submitting the telecommunications gross receipts tax upon the sale of telecommunications services to be resold by the telecommunications carrier submitting the certificate. When a telecommunications carrier submits a false resale certificate to another telecommunications carrier, the telecommunications carrier that submitted the certificate is liable for the telecommunications gross receipts tax on the sale. A hospital, hotel, motel, or similar place of temporary accommodation selling telecommunications service to its patients or guests is not a telecommunications carrier under this section.

57-34-05. Deposit of tax revenues - Allocation to counties - Telecommunications carriers tax fund - Continuing appropriation.

Gross receipts tax revenues of up to eight million four hundred thousand dollars under this chapter must be deposited in a special fund in the state treasury, the telecommunications carriers tax fund. Gross receipts tax revenues under this chapter exceeding eight million four hundred thousand dollars must be deposited in the state general fund. The tax commissioner shall allocate moneys in the telecommunications carriers tax fund among counties in the same proportion that taxes paid by telecommunications carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by taxing districts in the county bears to all taxes paid by telecommunications carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by taxing districts in the state. The balance in the telecommunications carriers tax fund, not exceeding eight million four hundred thousand dollars, is appropriated as a standing and continuing appropriation to the tax commissioner for annual allocation to counties under this section. If gross receipts tax revenues available for allocation on the first day of March of any year are less than eight million four hundred thousand dollars, there is appropriated as a standing and continuing appropriation from the state general fund the amount that, when added to gross receipts tax revenues available for allocation from the telecommunications carriers tax fund results in allocation of eight million four hundred thousand dollars to counties per calendar year. On or before the first day of March of each year, the tax commissioner shall certify for payment to the state treasurer an amount determined to be due each county. The state treasurer shall remit the certified amount to the county treasurers according to the allocation made by the tax commissioner under this section not later than March thirty-first of each year.

57-34-06. Duties of county treasurer.

The county treasurer shall allocate taxes received under this chapter to the state, the county, and the various taxing districts within the county according to the proportion that taxes paid by telecommunications carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by the state, the county, and each currently existing taxing district in the county bears to all taxes paid by telecommunications carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by the state, the county, and all taxing districts in the county.

57-34-07. Reports to county auditor.

Repealed by S.L. 1965, ch. 401, § 9.

57-34-08. Administrative laws applicable.

Repealed by S.L. 1997, ch. 483, § 15.

57-34-09. Disposition of revenue.

Repealed by S.L. 1965, ch. 401, § 9.

57-34-10. Penalties - Interest - Lien for tax.

1. If a telecommunications carrier refuses or neglects to make the reports required by this chapter, or refuses or neglects to furnish any information requested, the tax commissioner shall use the best available facts and estimates to determine taxation of the gross receipts of that carrier. The tax must be imposed upon the basis of that information. If any company fails to make the report required under this chapter on or before the first day of May of any year, the state board of equalization shall add a penalty of one-quarter of the tax due for failure to make the required report which must

be collected as a part of the tax, but the tax commissioner, upon application, may grant extensions of time within which the returns must be filed. For good cause shown, the tax commissioner may waive all or any part of the penalty that attached under this section.

2. Taxes levied under this chapter are due and payable to the tax commissioner on January first following the year in which the taxes were assessed. A remittance of tax need not be made and any assessment or collection of tax may not be made unless the amount is at least five dollars, including penalty and interest.
3. If any amount of tax imposed by this chapter is not paid on or before March first, or if upon audit an additional tax is found to be due, there must be added to the tax remaining due interest at the rate of one percent of the additional tax for each month or fraction of a month during which the tax remains unpaid, computed from March first to the date paid.
4. Whenever any taxpayer liable to pay a tax or penalty imposed refuses or neglects to pay the liability, the amount, including any interest, penalty, or addition to the tax, and the additional costs that may accrue are a lien in favor of the state of North Dakota upon all property and rights to property, whether real or personal, belonging to the taxpayer. The lien attaches at the time the tax becomes due and payable and continues until the liability for the amount is satisfied.
5. Any mortgagee, purchaser, judgment creditor, or lien claimant acquiring any interest in, or lien on, any property situated in the state, prior to the tax commissioner filing in the central indexing system maintained by the secretary of state a notice of the lien provided for in subsection 4, takes free of, or has priority over, the lien. The tax commissioner shall index in the central indexing system the following data:
    a. The name of the taxpayer.
    b. The name "State of North Dakota" as claimant.
    c. The date and time the notice of lien was indexed.
    d. The amount of the lien.
    e. The internal revenue service taxpayer identification number or social security number of the taxpayer.

    The notice of lien is effective as of eight a.m. the next day following the indexing of the notice. The tax commissioner shall index any notice of lien with no payment of fees or costs to the secretary of state.
6. Upon payment of the tax, and any accrued penalties and interest, as to which the tax commissioner has filed a notice of lien, the tax commissioner shall index a satisfaction of the lien in the central indexing system without fees or costs.

57-34-11. Taxes in lieu of property taxes.

The taxes imposed by this chapter are taxes upon the privilege of doing business in this state and are in lieu of all real and personal property taxes levied by the state or any of its political subdivisions upon real or personal property to the extent the property is directly used by the telecommunications carrier in its telecommunications operations.

57-34-12. Rules.

1. The tax commissioner may adopt any rules necessary to carry out this chapter.
2. The tax commissioner shall adopt rules as necessary to avoid double taxation of gross receipts and to eliminate the avoidance of taxation of gross receipts of telecommunications carriers under this chapter.

Stanger, Matthew

From: Stanger, Matthew
Sent: Thursday, June 4, 2026 2:22 PM
To: 'James Maring'
Cc: Karen Davis; Naumann, Katherine; Heinle, Sarah
Subject: RE: MLGC LLC Tax Assessment

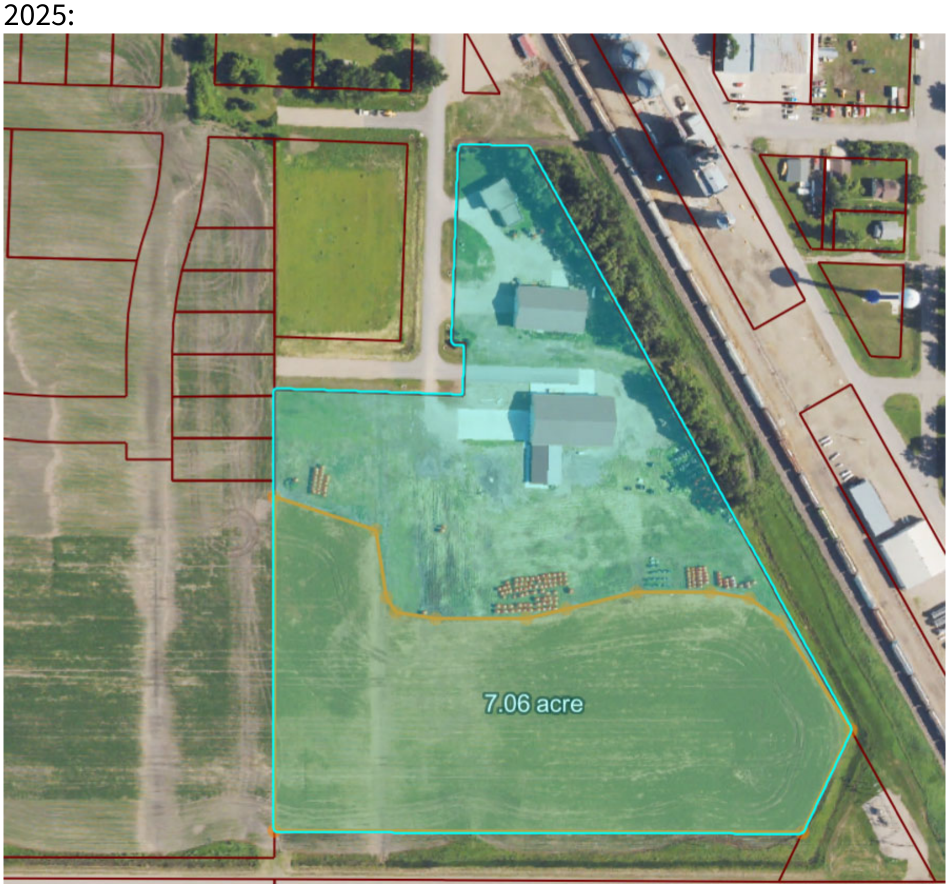
Hi Jim,

"Use" in this context refers the primary utilization of the property. I can see that a portion of the acreage in question is being used for storage of telecommunications equipment. However, there are seven acres that quite clearly were used to produce an agricultural commodity – 2024 and 2025 NAIP imagery included below. Per NDCC § 57-34-11, which has been the focal point of this issue, the burden is on your end to prove the property in question is "directly used by the telecommunications carrier in its telecommunications operations."

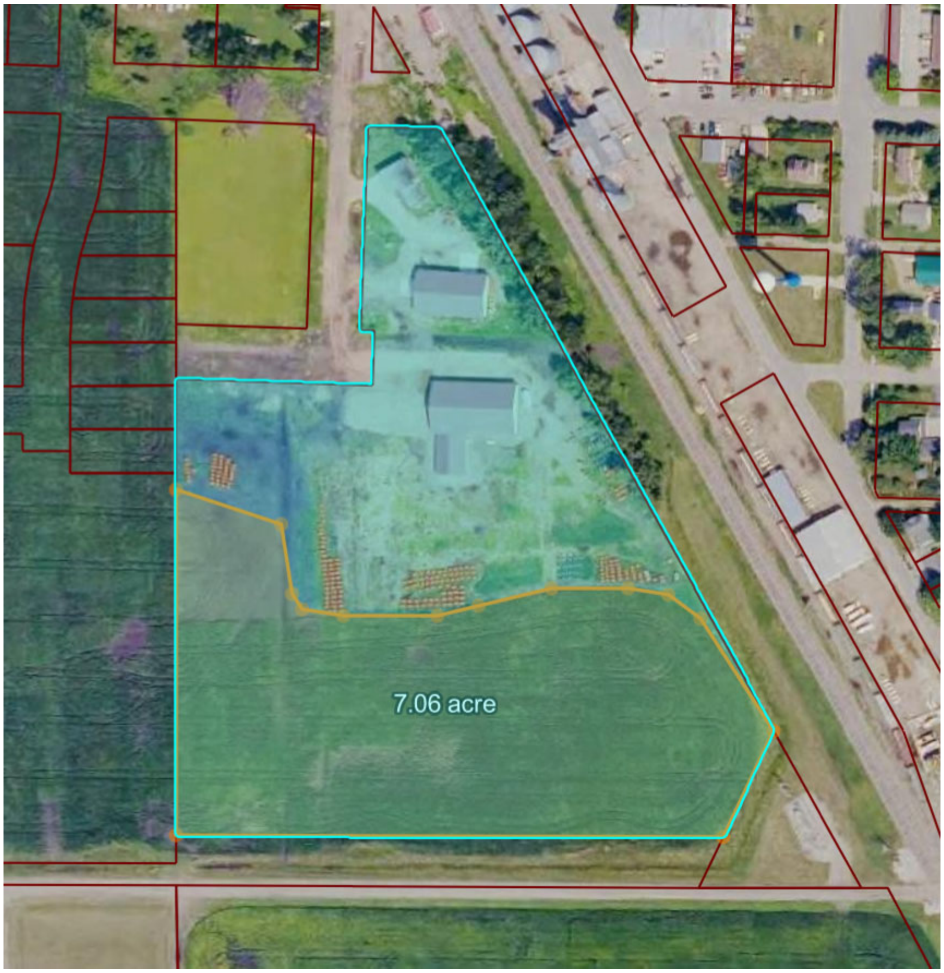
I will update our record to reflect that only seven acres have been used for agricultural purpose, which will decrease the value for 2024 and 2025 to **$9,400** based on the underlying soil type I229A.

If you can provide actual evidence that these seven acres were both being cropped and serving a telecommunications purpose, we can have that conversation at that time. Barring that, this omitted assessment will be equalized and added to the assessment rolls at the Commission meeting on **July 6th**. You or your client may express to the Commission at that time why you feel the valuation is inaccurate, but outside of that your appeals process would be through district court.

2025:



2024:



Please let me know if you have any questions. Thank you,

CASS COUNTY GOVERNMENT

Matt Stanger
Director of Equalization

(701) 241-5616
cass.northdakotaassessors.com

From: James Maring <jmaring@serklandlaw.com>
Sent: Thursday, June 4, 2026 11:32 AM
To: Stanger, Matthew <StangerM@casscountynd.gov>
Cc: Karen Davis <kdavis@serklandlaw.com>; Naumann, Katherine <NaumannK@casscountynd.gov>; Heinle, Sarah <HeinleS@casscountynd.gov>
Subject: RE: MLGC LLC Tax Assessment

CAUTION: EXTERNAL EMAIL

Matthew,

Sorry for the delay in getting back to you on this.

My client disagrees with your position that the acreage at issue is being "used" for raising agricultural crops.

My client also disagrees that the land is not currently being "used" for telecommunications.

It seems the central question here is what the term "used" means for purposes of making these determinations.

What are my client's appeal rights and/or next steps regarding this determination before it becomes final?

Thanks,

Jim

James R. Maring
Serkland Law Firm
10 Roberts St.
Fargo, ND 58102
Ph: 701.232-8957
Fax: 701.237.4049
jmaring@serklandlaw.com

From: Stanger, Matthew <StangerM@casscountynd.gov>
Sent: Monday, May 11, 2026 7:28 PM
To: James Maring <jmaring@serklandlaw.com>
Cc: Karen Davis <kdavis@serklandlaw.com>; Naumann, Katherine <NaumannK@casscountynd.gov>; Heinle, Sarah <HeinleS@casscountynd.gov>
Subject: RE: MLGC LLC Tax Assessment

Hi Jim,

Thanks for reaching out. This matter is currently tabled, as your client expressed a desire to discuss the issue with you before proceeding further.

I believe we have all the information we need regarding this issue, but our understanding of the situation is as follows:

- MLGC LLC pays a gross receipts PILOT per NDCC 57-34 as a telecommunications carrier
- This PILOT covers all taxes levied against real property to the extent that it is directly used as part of the telecommunications operations (57-34-11)
- A portion of the land was cropped by a local farmer
- This same land is planned for a future development, but is not currently in use for telecommunications

Based on that information, the acreage that was planted was assessed as agricultural for 2024, 2025 and 2026. If both parties are in agreement about those facts as stated, this omitted assessment would be added to the tax rolls for the years listed and taxes would be owed for 2024 and 2025.

Please let me know if any part of that looks incorrect, or if there are any other questions you have regarding the issue.

Thank you,

Matt Stanger
Director of Equalization

(701) 241-5616
cass.northdakotaassessors.com

From: James Maring <jmaring@serklandlaw.com>
Sent: Monday, May 11, 2026 4:28 PM
To: Stanger, Matthew <StangerM@casscountynd.gov>
Cc: Karen Davis <kdavis@serklandlaw.com>
Subject: MLGC LLC Tax Assessment

CAUTION: EXTERNAL EMAIL

Mr. Stranger,

This office is corporate counsel for MLGC LLC.

Our client has recently received an Assessment Notice (attached) essentially removing it from "exempt" status as a Telecommunications Carrier under NDCC Section 57-34-11. Our client timely objected to this Assessment Notice at the Board of County Commissioners regular meeting held on April 20, 2026. The objection Letter and Documentation Letter is also attached.

It is my client's understanding the Cass County Commission tabled the issue. The purpose of this correspondence to inquire about the status of this matter, and to see if there is anything further my client can provide your office to get this resolved.

Please let me know if you would like to set up a phone call to discuss.

Thanks,

Jim

James R. Maring
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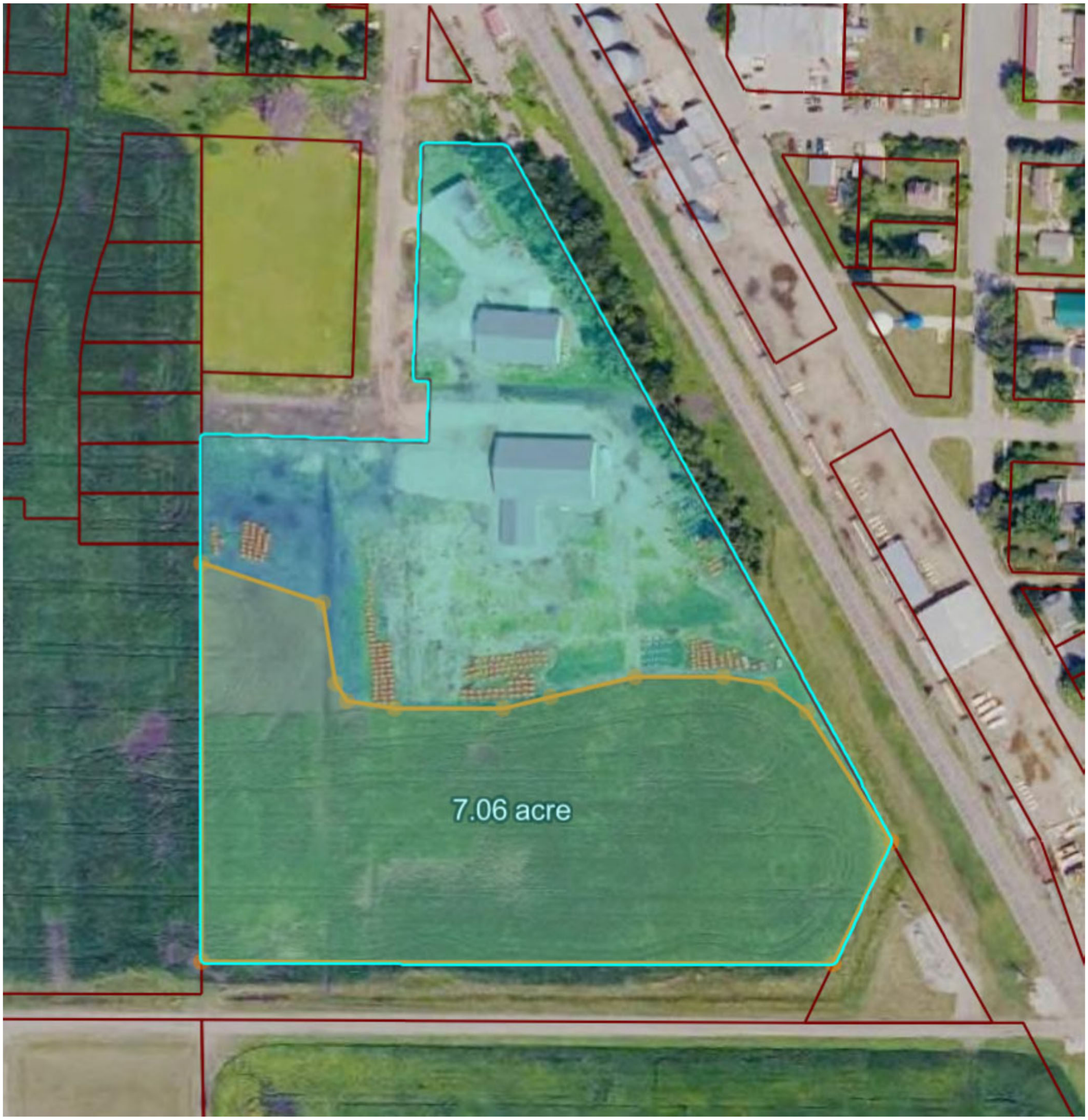
10 Roberts St.
Fargo, ND 58102
Ph: 701.232-8957
Fax: 701.237.4049
jmaring@serklandlaw.com

intended recipient indicated in this message (or responsible for delivery of the message to such person), notify sender at Serkland Law Firm immediately and delete this e-mail from your system.

2024:



2025: