

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

\_\_\_\_\_ )  
 )  
**Montana-Dakota Utilities Co.,** )  
                   **Appellant,** )  
 )  
 v. )  
 )  
**North Dakota Public Service** )  
**Commission,** )  
 )  
                   **Appellee.** )  
 )  
 \_\_\_\_\_ )  
**PSC Case No. PU-399-01-186** )  
 )  
 \_\_\_\_\_ )

**CIVIL NO. 08-02-C-01719  
CERTIFICATE OF RECORD  
ON APPEAL**

**TO: Ms. Debra Simenson  
Clerk of District Court  
Burleigh County District Court  
P. O. Box 1055  
Bismarck, ND 58502-0155**

I, Jon H. Mielke, Executive Secretary, of the North Dakota Public Service Commission (Commission), do hereby certify that the papers and documents marked with an asterisk (“ \* ”) on the attached docket card constitute true and correct photocopies of documents contained in the record of the captioned matter on file in the offices of the Public Service Commission in **Case No. PU-399-01-186.**

**IN WITNESS WHEREOF** I have set my hand and affixed the seal of the Public Service Commission of the State of North Dakota.

Dated at Bismarck, North Dakota, **May 6, 2002.**

\_\_\_\_\_  
 Jon H. Mielke  
 Executive Secretary  
 Public Service Commission  
 State of North Dakota  
 600 E Boulevard Ave. Dept. 408  
 Bismarck, North Dakota 58505-0480  
 701/328-2400

**ACKNOWLEDGMENT OF FILING**

Receipt of the foregoing described copies of documents on file in the Public Service Commission in **PSC Case No. PU-399-01-186 (Civil Case No. 08-02-C-01719)** is hereby acknowledged at Bismarck, North Dakota this \_\_\_\_\_, day of May, 2002.

---

**Clerk of District Court  
Burleigh County**

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

\_\_\_\_\_ )  
 )  
**Montana-Dakota Utilities Co.,** )  
                   **Appellant,** )  
 )  
 v. )  
 )  
**North Dakota Public Service** )  
**Commission,** )  
 )  
                   **Appellee.** )  
 )  
 \_\_\_\_\_ )  
 )  
**PSC Case No. PU-399-01-186** )  
 )  
 \_\_\_\_\_ )

**CIVIL NO. 08-02-C-01719  
NOTICE TO APPELLANT  
OF ACTUAL COSTS**

**TO: Daniel S. Kuntz, Zuger Kirmis & Smith, P. O. Box 1695, Bismarck, ND 58502-1695,  
Attorneys for Appellee Montana-Dakota Utilities Co.**

Under N.D.C.C. § 28-32-17 (2) when a Public Service Commission decision is appealed, the Public Service Commission must notify the appellant of the estimated costs of preparing and filing the record. The appellant must then pay the Public Service Commission the amount estimated. If the actual costs are more than the estimated costs, the appellant must pay the difference. If the actual costs are less than the estimated costs, the Public Service Commission will refund the difference.

**PLEASE TAKE NOTICE** that the total actual costs for preparing and filing the record in the captioned matter are as set forth below:

Copies	\$71.15
Compilation Time	<u>\$58.68</u>
<b>Total Costs</b>	<b>\$129.83</b>
Costs Paid by Appellant	<u>\$129.83</u>
<b>Total Due from Appellant</b>	<b>\$ 00</b>

Dated this **6th** day of **May 2002**.

STATE OF NORTH DAKOTA

BY: \_\_\_\_\_

William W. Binek (ID #02990)  
Special Assistant Attorney General  
600 East Boulevard Avenue, Dept. 408  
Bismarck, North Dakota 58505-0480  
701/328-2400

Attorney for the Public Service  
Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

\_\_\_\_\_)  
 )  
**Montana-Dakota Utilities Co.,** )  
                   **Appellant,** )  
 v. )  
                   **North Dakota Public Service** )  
                   **Commission,** )  
                                   **Appellee.** )  
 \_\_\_\_\_) )  
**PSC Case No. PU-399-01-186** )  
 \_\_\_\_\_)

**CIVIL NO. 08-02-C-01719  
AFFIDAVIT OF SERVICE  
BY REGULAR MAIL**

STATE OF NORTH DAKOTA     )  
  ) **ss**  
COUNTY OF BURLEIGH        )

**Sandra L. Scott** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **6th** day of **May 2002**, she deposited in the United States Mail, Bismarck, North Dakota, **1** envelope with first-class postage fully prepaid, securely sealed and each containing a photocopy of:

- 1. Certificate of Record on Appeal**
- 2. Notice to Appellant of Actual Costs**
- 3. Affidavit of Mailing**

The envelope was addressed as follows:

Daniel S. Kuntz  
Zuger Kirmis & Smith  
P O Box 1695  
Bismarck, ND 58502-1695

Each address shown is the respective addressee's last reasonably ascertainable post office address.

---

Subscribed and sworn to before me this **6th** day of **May 2002**.

---

**Notary Public**

**SEAL**

May 6, 2002

Ms. Debra Simenson, Clerk  
Burleigh County District Court  
P. O. Box 1055  
Bismarck, ND 58502-1055

**Re: Civil No. 08-02-C-01719  
Montana-Dakota Utilities Co., Appellant, vs  
North Dakota Public Service Commission, Appellee.  
PSC Case No. PU-399-01-186**

Dear Ms. Simenson:

Enclosed for filing in Civil No. 08-02-C-01719 please find the originals of the **Certificate of Record on Appeal, Notice to Appellant of Actual Costs and Affidavit of Mailing.**

I am also enclosing an Acknowledgment of Filing and a stamped self-addressed envelope for your use.

If you have any questions, please call. Thank you.

Sincerely,

William W. Binek  
Special Assistant Attorney General

WWBsIs  
Enclosure

c: Daniel S. Kuntz  
Doug Bahr