



DIVIDER

STATE OF NORTH DAKOTA
INFORMATION TECHNOLOGY DEPARTMENT
SFN 2053 (4-2002)

PU-399-01-651

Montana-Dakota Utilities Co., a Division of MDU Re
Transfer Control of Transmission Fac. to MIS
Application

Filed 12/21/2001

Closed 3/4/2002

01

DESCRIPTION

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-400-00-91

Otter Tail Power Company
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-401-01-643

Montana-Dakota Utilities Co.
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-399-01-651

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **1st day of February, 2002**, she deposited in the United States Mail, Bismarck, North Dakota, **five** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order

The envelopes were addressed as follows:

Mike Swenson
Northern States Power Company
2302 Great Northern Dr
Fargo ND 58102
Cert. No. 7099 3220 0002 8483 1020

Dan Kuntz
P O Box 1695
Bismarck ND 58502-1695
Cert. No. 7099 3229 0002 8483 1037

Pete Beithon
Otter Tail Power Company
215 S Cascade St
Fergus Falls MN 56538-0496
Cert. No. 7099 3220 0002 8483 1044

Don Ball
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501
Cert. No. 7099 3220 0002 8483 1075

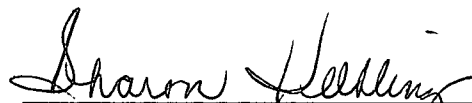
Douglas W Schulz
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501
Cert. No. 7099 3220 0002 8483 1082

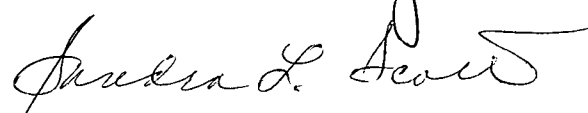
Sharon Helbling further deposes and says that on the **1st day of February, 2002**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Dave Sederquist
Northern Staes Power Company
2302 Great Northern Dr
Fargo ND 58102

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

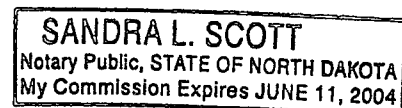
Subscribed and sworn to before me
this **1st day of February, 2002**.





Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-400-00-91

Otter Tail Power Company
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-401-01-643

Montana-Dakota Utilities Co.
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-399-01-651

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **1st day of February, 2002**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, or by e-mail, the following:

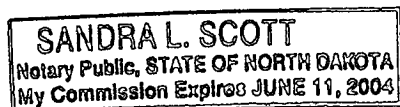
Order

To:


See Attached List

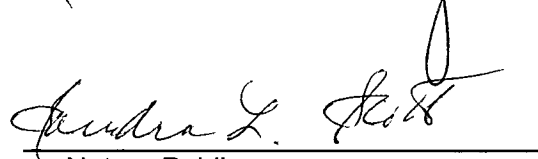
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **1st day of February, 2002**.



SEAL





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MOTION

January 31, 2002

APPROVED

DATE: 1-31-02
KME

**Northern States Power Company
Transfer Control of Transmission Facilities To MISO
Application**

Case No. PU-400-00-91

**Otter Tail Power Company
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-401-01-643

**Montana Dakota Utilities Co., A Division of MDU
Resources Group, Inc.
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-399-01-651

I move the Commission adopt the Order approving the transfer of functional control of certain electric transmission facilities to the Midwest Independent System Operator, Inc., Case Nos. PU-400-00-91, PU-401-01-643, and PU-399-01-651.

JRL/sdh

MOTION

January 31, 2002

**Wisconsin States Power Company
Transfer Control of Transmission Facilities To MISO
Application**

Case No. PU-400-00-91

**Otter Tail Power Company
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-401-01-643

**Montana Dakota Utilities Co., A Division of MDU
Resources Group, Inc.
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-399-01-651

I move the Commission adopt the Order approving the transfer of functional control of certain electric transmission facilities to the Midwest Independent System Operator, Inc., Case Nos. PU-400-00-91, PU-401-01-643, and PU-399-01-651.

JRL/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-400-00-91

**Otter Tail Power Company
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-401-01-643

**Montana Dakota Utilities Co., A Division of MDU
Resources Group, Inc.
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-399-01-651

ORDER

January 31, 2002

On March 3, 2000, Northern States Power Company (NSP) (now d/b/a Xcel Energy) filed a petition for approval, to the extent required, to transfer functional control of certain transmission facilities to the Midwest Independent System Operator, Inc. (MISO), Case No. PU-400-00-91. On May 10, 2000, the Commission issued a Notice of Opportunity for Hearing and Notice of Informal Hearing. No comments or requests for hearing were received and an informal hearing was held as scheduled on June 19, 2001.

On December 18, 2001, Otter Tail Power Company (OTP) filed a petition with the Commission for approval, or in the alternative for a finding by the Commission that approval is not necessary, to transfer functional control of certain transmission facilities to MISO, Case No. PU-401-01-643. OTP filed revisions to its list of facilities to be transferred contained in Attachment 3 of its petition on January 18, 2002.

On December 20, 2001, the Federal Energy Regulatory Commission (FERC) issued an order granting Regional Transmission Organization (RTO) status to the MISO, FERC Docket Nos. RT01-87-000 et al.

On December 21, 2001, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (MDU), submitted an informational filing with the Commission regarding transfer of functional control of certain transmission facilities to MISO, Case No. PU-399-01-651.

On December 23, 2001 the Commission issued a combined Notice of Opportunity for Hearing and Notice of Informal Hearing in all three proceedings. The

notice provided until January 23, 2002 for receiving written comments or hearing requests and scheduled an informal hearing for January 25, 2002. The issues identified in the notice were whether transfer of functional control is compatible with the public interest and under what conditions, if any, should the transfers be approved. No comments or hearing requests were received.

On January 25, 2002, an informal hearing in all three proceedings was held as scheduled. Commission staff recommended approval of the transfers subject to certain conditions. At the informal hearing, MDU provided a written memorandum explaining its assertion that approval of the transfer of control is not required because the transfer is not a jurisdictional transfer. NSP and OTP concurred. The companies had previously voiced concerns over the necessity of Commission approval which was addressed by a memo dated December 14, 2001, from the Commission's Chief Counsel.

Each company subsequently filed on January 29, 2002, in response to a request from the Commission, a list indicating the specific staff recommended conditions to which each company would agree. Also on January 29, 2002, NSP filed descriptions that had not been included in its original filing of each specific facility to be transferred.

On January 30, 2002, the Commission's Chief Counsel filed a memorandum responding to the jurisdictional arguments raised by the companies at the informal hearing.

MDU, NSP and OTP are each investor owned electric utilities serving customers in North Dakota. Each company has entered into operating agreements under which MISO will assume functional control of each company's electric transmission lines with operating voltages greater than or equal to 100 kV and network transformers where the two highest tap voltages are greater than or equal to 100 kV. Each company intends to continue to operate and maintain these facilities under the direction of MISO, which will assume ultimate authority and control over facility operations. Each company states that control is being transferred to comply with FERC Order 2000.

Jurisdiction:

On December 14, 2001, by memorandum in response to concerns raised initially in NSP's petition, the Commission's Chief Counsel concluded that the Commission has jurisdiction over transfers of control under N.D.C.C. §49-04-05 because a transfer of control of transmission assets constitutes an encumbrance under that statute. Counsel wrote:

Although a transfer of control, as I understand it, might not transfer possession of the property, it certainly does transfer an interest in the property because it transfers the right of control, and the right of control of the property would result in the diminution of the value of the property. It is my opinion that "transfer of control" constitutes an encumbrance on the

property, and therefore N.D.C.C. Section 49-04-05 requires that the utility obtain Commission approval prior to such transfer.

At the informal hearing, MDU filed a memorandum specifying its objection to the Commission's assertion of jurisdiction over MDU's transfer of functional control of transmission facilities to the MISO. NSP and OTP concurred in MDU's objection.

MDU asserts that the lines involved are subject to the FERC's exclusive jurisdiction, and cites *Northern States Power Co. v. Hagen*, 314 N.W.2d 32 (N.D. 1981) to support its position. MDU asserts that N.D.C.C. § 49-21.1-01.1 provides the demarcation between federal and state jurisdiction over transmission in interstate commerce and local distribution for purposes of N.D.C.C. Title 49 in that lines designed to operate at a voltage of 41.6 kilovolts or more are transmission lines and lines designed to operate at a voltage of less than 41.6 kilovolts are distribution lines. MDU further asserts that the Commission's general jurisdiction pursuant to N.D.C.C. §49-02-01(4) is over electric utilities engaged in generation and distribution and does not include transmission.

The Commission's Chief Counsel filed a memorandum on January 30, 2002, responding to MDU's assertions. Commission Counsel points out that MDU's interpretation that N.D.C.C. § 49-21.1-01.1 establishes for N.D.C.C. Title 49 the demarcation between transmission lines that are interstate in nature and distribution lines that are local is inaccurate. The statute reads as follows:

Electricity transmission and distribution lines – Differentiation.

Except for purposes of transmission siting under chapter 49-22 and regulatory accounting including the determination of the demarcation between federal and state jurisdiction over transmission in interstate commerce and local distribution, for purposes of this title and chapters 57-33 and 57-33.1, lines designed to operate at a voltage of 41.6 kilovolts or more are transmission lines, and lines designed to operate at a voltage of less than 41.6 kilovolts are distribution lines.

Counsel states:

It is important to note that the statute provides an exception that excludes that differentiation and demarcation for purposes of "regulatory accounting including the determination of the demarcation between federal and state jurisdiction over transmission in interstate commerce and local distribution." This law was enacted during the 1999 legislative session. I reviewed the legislative history of this statute, and it is clear that the purpose of the statute was to create a differentiation between transmission and distribution lines for taxation purposes. There is no apparent intent to distinguish between transmission and distribution for state and federal jurisdictional purposes.

Prior to 1999, North Dakota law did not specifically make any specific distinction between transmission and distribution. However, because determination of the demarcation point for regulatory accounting purposes is not established by N.D.C.C. §49-21.1-01.1, the fact that N.D.C.C. §49-02-01(4) does not mention transmission is not particularly relevant for these purposes.

MDU cites the North Dakota Supreme Court, in *Northern States Power Company v. Hagen*, 314 N.W.2d 32 (N.D. 1981), as authority that the lines involved in this filing are subject to the FERC's exclusive jurisdiction. However, the portion of that case relied upon by MDU for its position relates to FERC authority to regulate interstate wholesale utility rates and not for the determination of FERC jurisdiction over transmission lines. The court stated at page 37 that:

Congressional enactments that do not exclude all state legislation in the same field nevertheless override state laws with which they conflict. U.S. Const., Art. VI. The criterion for determining whether or not there is a conflict is whether the state's law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress."

Because MDU did not cite any federal law that would preempt state law that requires Commission approval for the transfer of control of transmission assets, I don't believe it is necessary to delve into an inquiry about whether there is a conflict between N.D.C.C. §49-04-05 and federal law to determine this issue. Therefore, it remains my opinion Commission approval is required for the transfer of the control of transmission assets to MISO.

The Commission agrees with Counsel that North Dakota law requires the companies to obtain Commission approval prior to the transfer of control contemplated by the filings in this case, and the law requiring such approval has not been federally preempted.

Public Interest:

Maintaining reliable service at reasonable rates is paramount to the public interest. MDU, NSP and OTP each forecast some initial increase in transmission expense due to implementation of a volumetric adder to recover MISO administrative expenses under Schedule 10 of the MISO Open Access Transmission Tariff (OATT). The companies further expect some initial loss of revenue from discontinuance of wholesale transmission transactions presently being conducted through the Mid-Continent Area Power Pool (MAPP). However, these expected costs do not outweigh the potential benefits of a regional transmission system. Potential benefits include gains in market efficiencies from the elimination of rate pancaking and the

establishment of one-stop shopping for regional transmission services. Further gains in operating efficiencies may result from improved congestion management practices, internalized parallel path flows and more regionalized transmission planning.

The FERC found MISO in conformance with Order 2000 short-term reliability requirements when granting RTO status in Docket Nos. RT01-87-000 et al. MISO will have exclusive authority to receive, confirm and implement all interchange schedules and to order redispatch of any generator connected to transmission facilities it operates. MISO will approve or disapprove all scheduled outages of transmission facilities to ensure regional accommodation within established reliability standards. MISO will honor and monitor compliance with reliability standards established by MAPP and other NERC regional reliability councils. MISO will also coordinate transmission planning throughout the region and will continue using MAPP sub regional planning groups.

Generally, centralizing grid operations over a larger region should enhance overall system reliability. However, increased wholesale transactions resulting from increases in market efficiency could lead to more problems with transmission constraints, redispatches and curtailments.

Any abuse of market power within MISO could result in reduced reliability and increased costs. The FERC, in an order issued September 16, 1998 in FERC Docket No. EC98-1438-000, required MISO, on an ongoing basis, to monitor the competitive and reliability effects of allowing current control area operators to continue to perform some control area functions. The FERC required MISO to file an 18-month assessment of control area operations. The FERC further required MISO to include, in its ongoing as well as its 18-month assessments, a report on the effectiveness of the proposed system of fines and penalties and its ability to ensure compliance with the ISO's orders and instructions.

The FERC accepted a market monitoring plan filed by MISO in Docket Nos. RT01-87-000 et al. The plan provides that MISO will enlist an *independent market monitor* to monitor energy markets and provide annual reports to the FERC and state regulatory agencies regarding the competitive performance and efficiency of markets and services.

The Commission finds that the overall effect of the proposed transfers on rates and reliability is not fully known at this time. Preliminary indications are generally positive, but many issues on future impact remain unresolved.

Commission staff recommended approval of the transfers subject to conditions designed to address areas of concern over potential future impacts. All three companies objected to staff's recommendation that approval be conditioned on each company's agreement to not assert federal preemption as a defense challenging a Commission decision disallowing costs from MISO as unreasonable or imprudent. Each company agreed to all remaining staff recommended conditions. The

Commission finds those remaining conditions reasonable and necessary to facilitate the transition to MISO while still protecting the public interest.

Order

The Commission Orders:

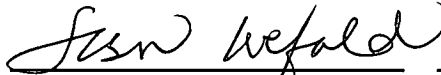
1. Transfer of functional control of MDU's transmission facilities to the MISO, as described in MDU's filing of December 21, 2001, is approved subject to the conditions listed in ordering paragraph 4 below.
2. Transfer of functional control of NSP's transmission facilities to the MISO, as described in NSP's filings of March 3, 2000 and January 29, 2002, is approved subject to the conditions listed in ordering paragraph 4 below.
3. Transfer of functional control of OTP's transmission facilities to the MISO, as described in OTP's filings of December 21, 2001 and January 18, 2002, is approved subject to the conditions listed in ordering paragraph 4 below.
4. Approval of each transfer is subject to the following conditions:
 - a. MDU, NSP and OTP shall provide the Commission with notice of all MISO tariff filings and report to the Commission on any proposed changes that may ultimately affect retail rates to North Dakota customers.
 - b. MDU, NSP and OTP shall notify the Commission when tariff or other changes are proposed that may reasonably be construed as having the potential to negatively affect the transmission service priority of native load or otherwise hamper reliability to North Dakota customers.
 - c. Each company shall include in its annual report to the Commission a report and analysis of:
 - i. How MISO membership has affected overall transmission costs and revenues and overall energy costs, including the ability to use least-cost generation and access low-cost power on the wholesale market; and
 - ii. Each instance where MISO directed redispatch of generation owned by each respective company for reliability reasons, including an explanation of financial impact on rates and the reason for redispatch if known.
 - d. MDU, NSP and OTP shall work with the Commission to promote MISO policies that allow each company to continue to meet its obligations to provide least-cost power to retail customers.
 - e. MDU, NSP and OTP shall work with the Commission to address through FERC or the MISO stakeholder advisory process, any reliability concerns that result from the transfer of functional control of transmission facilities to MISO.

- f. MDU, NSP and OTP shall report to the Commission each instance where MISO directed actions result in an interruption of firm retail electric service to retail customers in North Dakota.
 - g. MDU, NSP and OTP shall provide to the Commission a copy of any Form EIA-417R Power System Emergency Report submitted to the United States Department of Energy.
 - h. MDU, NSP and OTP shall provide to the Commission a copy of any MISO report to the FERC regarding competitiveness or reliability of control area operations.
5. MDU, NSP and OTP may coordinate the above reporting requirements with each other or with the MISO to avoid duplicative reporting.
 6. This decision does not reach the issue of reasonableness of any costs associated with the transfer of functional control of transmission facilities to the MISO, the MISO's operation of those facilities, the services taken from the MISO by each company, or each company's MISO membership.

PUBLIC SERVICE COMMISSION



Anthony T. Clark
Commissioner



Susan E. Weald
President



Leo M. Reinbold
Commissioner

MDU Lines transferred
to MISO Control

SASKATCHEWAN

MANITOBA

MONTANA

NORTH DAKOTA

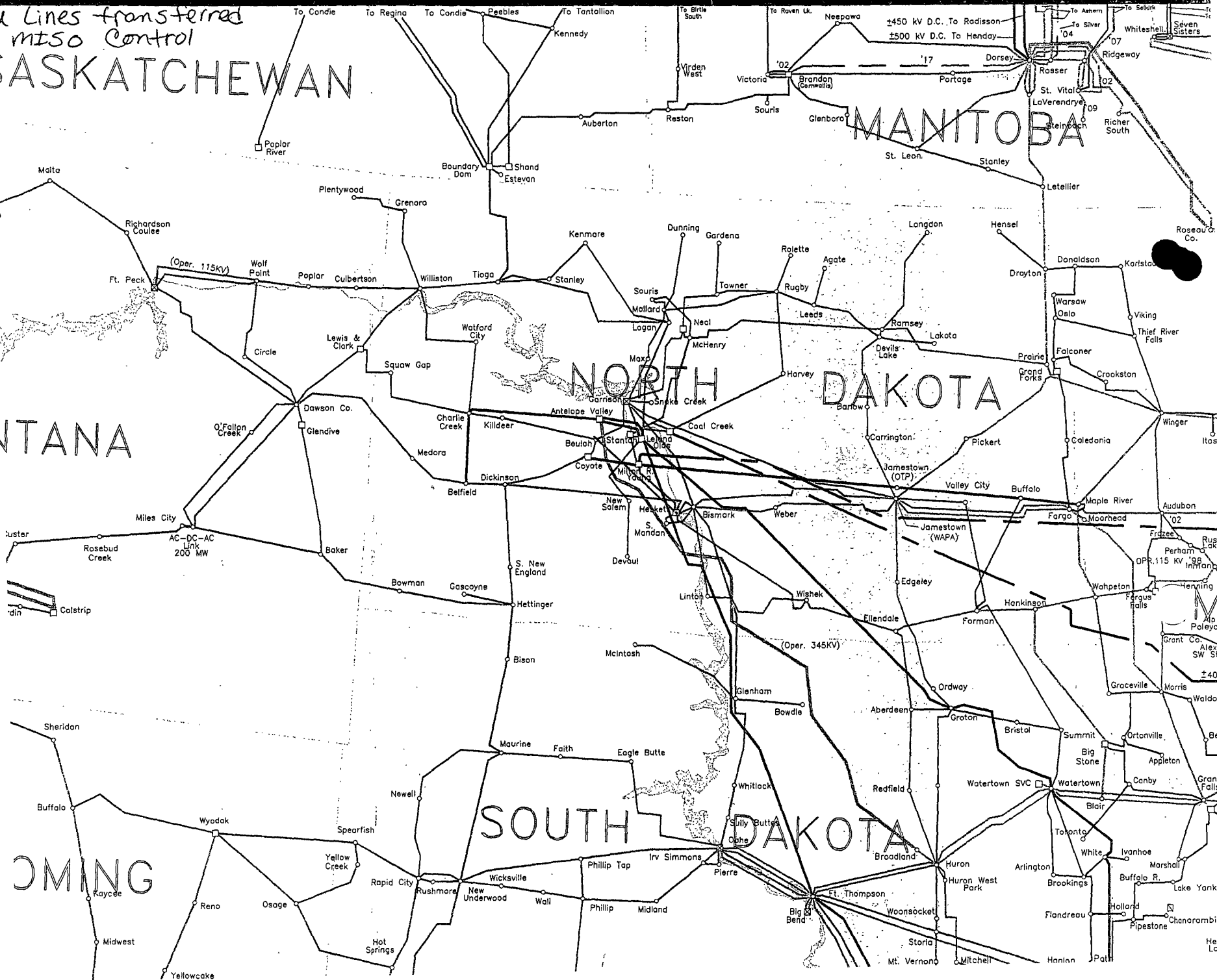
SOUTH DAKOTA

MINNESOTA

13

PU-399-01-651

Pages: 1



Facilities Map

by Montana-Dakota Utilities Co., a Division of MDU Resources Inc.

01/30/2002 CC: Comm Legal Illona, Pat, Jerry, Mike

MEMORANDUM

TO: Commissioners Wefald, Reinbold and Clark
PUD

FROM: Bill Binek

DATE: January 30, 2002

RE: Transfer of Control of Transmission assets to MISO – Case Nos.
PU-400-00-91, 401-01-643 and 399-01-651

MDU objected to the Commission's assertion of jurisdiction over MDU's operational transfer of transmission facilities to MISO. MDU does not believe the Commission has authority under N.D.C.C. Title 49 over this transfer of control. MDU states that the lines involved are subject to the FERC's exclusive jurisdiction, and cites Northern States Power Co. v. Hagen, 314 N.W.2d 32 (N.D. 1981) to support its position. MDU also states that N.D.C.C. § 49-21.1-01.1 provides the demarcation between federal and state jurisdiction over transmission in interstate commerce and local distribution for purposes of N.D.C.C. Title 49 in that lines designed to operate at a voltage of 41.6 kilovolts or more are transmission lines and lines designed to operate at a voltage of less than 41.6 kilovolts are distribution lines. MDU further states that the Commission's general jurisdiction pursuant to N.D.C.C. §49-02-01(4) is over electric utilities engaged in generation and distribution and does not include transmission. In addition, MDU states that in transferring operational control over its transmission facilities, it is not financially encumbering them, and therefore a transfer of operational control to MISO does not fit the meaning and intent of N.D.C.C. § 49-04-05.

The issue concerning whether or not the transfer of control of the transmission assets to another entity falls within the meaning and intent of N.D.C.C. §49-94-05 is adequately covered in my memorandum of December 14, 2001. It is my opinion that such transfer would constitute an encumbrance as that term is defined. The law does not require that the encumbrance be a financial encumbrance as suggested by MDU. My December 14, 2001 memorandum addressed only the issue of whether or not the transfer of control of the transmission assets constituted an encumbrance under N.D.C.C. §49-04-05

MDU's interpretation that N.D.C.C. § 49-21.1-01.1 establishes for N.D.C.C. Title 49 the demarcation between transmission lines that are interstate in nature and distribution lines that are local is inaccurate. The statute reads as follows:

Electricity transmission and distribution lines – Differentiation.

Except for purposes of transmission siting under chapter 49-22 and regulatory accounting including the determination of the demarcation between federal and state jurisdiction over transmission in interstate commerce and local distribution, for purposes of this title and chapters 57-33 and 57-33.1, lines designed to operate at a voltage of 41.6 kilovolts or

more are transmission lines, and lines designed to operate at a voltage of less than 41.6 kilovolts are distribution lines.

It is important to note that the statute provides an exception that excludes that differentiation and demarcation for purposes of **“regulatory accounting including the determination of the demarcation between federal and state jurisdiction over transmission in interstate commerce and local distribution.”** This law was enacted during the 1999 legislative session. I reviewed the legislative history of this statute, and it is clear that the purpose of the statute was to create a differentiation between transmission and distribution lines for taxation purposes. There is no apparent intent to distinguish between transmission and distribution for state and federal jurisdictional purposes.

Prior to 1999, North Dakota law did not specifically make any specific distinction between transmission and distribution. However, because determination of the demarcation point for regulatory accounting purposes is not established by N.D.C.C. §49-21.1-01.1, the fact that N.D.C.C. §49-02-01(4) does not mention transmission is not particularly relevant for these purposes.

MDU cites the North Dakota Supreme Court, in *Northern States Power Company v. Hagen*, 314 N.W.2d 32 (N.D. 1981), as authority that the lines involved in this filing are subject to the FERC’s exclusive jurisdiction. However, the portion of that case relied upon by MDU for its position relates to FERC authority to regulate interstate wholesale utility rates and not for the determination of FERC jurisdiction over transmission lines. The Court stated at page 37 that:

Congressional enactments that do not exclude all state legislation in the same field nevertheless override state laws with which they conflict. U.S. Const., Art. VI. The criterion for determining whether or not there is a conflict is whether the state’s law “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.”

Because MDU did not cite any federal law that would preempt state law that requires Commission approval for the transfer of control of transmission assets, I don’t believe it is necessary to delve into an inquiry about whether there is a conflict between N.D.C.C. §49-04-05 and federal law to determine this issue. Therefore, it remains my opinion Commission approval is required for the transfer of the control of transmission assets to MISO.

-----Original Message-----

From: Binek, William W.
Sent: Friday, December 14, 2001 10:45 AM
To: Jeffcoat-Sacco, Illona; Legal; PUD; Comm
Subject: RE: Transfer of Control of Transmission assets to MISO

N.D.C.C. Section 49-04-05 provides that “[a] public utility may not dispose of, encumber, merge, or consolidate its franchise, works, or system necessary or useful in the performance of its duties to the public without prior commission approval.” That section does not say anything about a transfer of control. The only reason that a public utility would need Commission approval for a transfer control is if a transfer of control would constitute an encumbrance. Ordinarily, an encumbrance is thought of in terms of a lien, lease, mortgage or security interest that diminishes the value of the property.

I believe that the act of transferring control to another entity constitutes the conveyance of some interest in the property. A transfer of control is similar in many respects to a lease of property to another. A lease is a contract by which the owner of the property gives up the possession and use of property to another for a specified period of time. A transfer of control might not transfer possession of the property, but it certainly transfers the use of the property.

The verb “transfer” means “[t]o convey or remove from one place, person, etc., to another; pass or hand over from one to another; to change over the possession or control of. . . .” Black’s Law Dictionary 1497 (6th ed. 1990). The noun “transfer” means “[t]he sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely of conditionally, voluntary or involuntary, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security, or otherwise.” Id. The term “interest” is defined as “any right in the nature of property, but less than title.” Id. at 812. An “encumbrance”, as it relates to real property, is defined as “[a]ny right to, or interest in, land which may subsist in another to diminution of its value, . . .” Id. at 527. “While encumbrances usually relate to real property, a purchaser of personal property is provided with a warranty against unknown encumbrances.” Id.

It appears to me that N.D.C.C. Section 49-04-05 would apply to a “transfer of control.” Although a transfer of control, as I understand it, might not transfer possession of the property, it certainly does transfer an interest in the property because it transfers the right of control, and the right of control of the property would result in the diminution of the value of the property. It is my opinion that “transfer of control” constitutes an encumbrance on the property, and therefore N.D.C.C. Section 49-04-05 requires that the utility obtain Commission approval prior to such transfer.

North Dakota Public Service Commission
INFORMAL HEARING
January 25, 2001

Northern States Power Company Transfer Functional Control To MISO	PU-400-00-91 Filed: 3/03/00
Otter Tail Power Company Transfer Functional Control To MISO	PU-401-01-643 Filed: 12/18/01
Montana-Dakota Utilities Co. Transfer Functional Control To MISO	PU-399-01-651 Filed: 12/21/01

Summary of Proposals: Northern States Power Company (NSP), Otter Tail Power Company (Otter Tail) and Montana-Dakota Utilities Co. (MDU) have each made filings regarding the transfer of functional control of electric transmission facilities to the Midwest Independent System Operator, Inc. (MISO).

Procedural History:

On March 3, 2000, in Case No. PU-400-00-91, NSP (now Xcel Energy) filed a petition for approval to transfer functional control of certain transmission facilities to MISO. On May 10, 2000, the Commission issued a Notice of Opportunity for Hearing and Notice of Informal Hearing. No comments or requests for hearing were received and an informal hearing was held as scheduled on June 19, 2001. NSP's application has since been on hold due to delays in establishing MISO operations and other factors.

On May 19, 2000, in Docket No. EC00-60-000, the FERC approved NSP's application to transfer operational control of transmission facilities to the MISO.

On October 11, 2001 in Docket No. ER98-1438-007, MISO's Open Access Transmission Tariff (OATT) was approved by the FERC, but revisions have since been filed and not yet approved. MISO's OATT is posted on the web at <http://www.midwestiso.org/tariff.shtml>

On November 21, 2001, in Docket No. EC01-151-000, the FERC approved Otter Tail's application to transfer operational control of transmission facilities to the MISO.

On December 18, 2001, in Case No. PU-401-01-643, Otter Tail filed a petition with the Commission for approval to transfer functional control of certain transmission facilities to MISO.

On December 20, 2001, in Docket Nos. RT01-87-000 et al. the FERC issued an Order determining that MISO satisfies the four characteristics of an RTO (independence, scope and configuration, operational authority and short term reliability) and granting RTO status to MISO. FERC also required that the MISO

make a compliance filing to: 1) eliminate certain veto privileges of transmission owners; 2) allow merchant projects to participate in the transmission planning process; 3) require ancillary services to be provided at least cost; 4) incorporate the market monitoring plan into the Open Access Transmission Tariff (OATT); and 5) revise the market monitoring plan to implement a 45 day deadline for MISO to agree or disagree with a recommendation of the Independent Market Monitor.

On December 21, 2001, in Case No. PU-399-01-651, MDU submitted an informational filing with the Commission regarding transfer of functional control of certain transmission facilities to MISO. MDU's Section 203 filing required by FERC to transfer operational control of certain transmission facilities was also filed on December 21, 2001 and has been designated Docket No. EC02-38-000. No FERC decision has been issued at this time.

On December 23, 2001 the Commission issued a combined Notice of Opportunity for Hearing and Notice of Informal Hearing in all three proceedings. The notice provided until January 23, 2002 for receiving written comments or hearing requests and scheduled an informal hearing for January 25, 2002. No comments or hearing requests have been received. The issues identified in the notice were whether transfer of functional control is compatible with the public interest and under what conditions, if any, should the transfers be approved.

On February 1, 2002, MISO expects to begin administering its Open Access Transmission Tariff (OATT).

Public Interest:

On a national scope, the FERC has determined that transfer of control to an RTO is in the public interest. However, it is not yet as clear whether joining MISO is compatible with the public interest in North Dakota. Generally, Staff views maintaining reliable service at reasonable rates as paramount to the public interest in North Dakota.

Rates:

MISO Adder

Joining MISO will result in a charge on transmission service imposed under MISO OATT Schedule 10 for recovering MISO administrative expenses. This amount is presently capped at \$0.15 per MWH during the initial six years with any over-expenditure deferred to a five-year amortization beginning when the cap expires. Participants withdrawing from MISO before the full amortization will pay their share of the deferral in an exit fee.

The \$0.15 cap amount may have been set higher than necessary now that FERC has required in Opinion 453 that the MISO adder be applied to all transactions, including grandfathered agreements and network services for serving native load. There may be further relief in the adder amount as

additional volumes are brought into MISO from the recently approved Michigan ITC, the SWPP merger and possibly from the Alliance companies. FERC has set some revisions recently proposed to Schedule 10 for settlement procedures before an ALJ in Docket No. ER02-111-000, Order dated December 14, 2001.

Utilities have been paying fees to MAPP for various services that have been unbundled and will be provided by MISO in the future. MAPP has also been charging a transmission adder of \$0.10 per MWh on wholesale transactions. The cost of the MISO adder should be at least partially offset by elimination of the MAPP adder and savings from the unbundling of MAPP fees. The utilities estimate:

Company	\$.15 Adder Cost	MAPP Fee Savings	Difference
NSP Companies	\$8 million	No Data	No Data
MDU	\$324,000	\$130,000	\$196,000
Otter Tail	\$600,000	\$200,000	\$400,000

MISO adder amounts not offset by MAPP fee savings could be offset by gains in market efficiencies resulting from the removal of artificial boundaries and seems between service areas. A single regional MISO transmission tariff could increase market choices due to one-stop shopping for regional transmission service and elimination of rate pancaking. Improvements in operating efficiencies could also result from improved congestion management practices, internalized parallel path flows and more regionalized transmission planning. However, some of these potential gains may be somewhat dependent on what happens now that FERC has denied the RTO application of the Alliance companies.

Network Service

Native load will be served under the MISO OATT under FERC Opinion No. 453. However, in a December 31, 2001 compliance filing for Opinion No. 453, MISO proposed to not actually bill its Transmission Owners for network service since any monies collected would be subsequently returned to the transmission owner.

Point-to-Point Service

Zonal pricing under the MISO OATT is intended to minimize cost shifting between utilities over an initial transition period of six years. Each control area is designated as a separate pricing zone with transmission rates based on revenue requirements and usage volumes of the zone. Transmission service is to be billed at the zonal rate where the load is located, regardless where the service originated.

Basin Electric Power Cooperative has previously expressed concerns to the Commission that charging the load zone rate would cause cost shifting in the

WAPA control area, where many have been considering whether to form an alternative “Crescent Moon” RTO. Basin estimated that joining MISO would increase its transmission rates from \$3.09/kW month to as much as \$6/kW month and requested the FERC to order mediation concerning the terms on which it could join MISO. The FERC denied Basin’s motion based partially on a response filed by the Missouri River Municipal Power Association and also on concerns that mediation might cause other cost shifting problems. (See page 25 of FERC’s 12/20/01 MISO Order)

MDU is within the WAPA control area, but MISO has agreed to treat MDU as a separate zone. Otter Tail and Excel have their own zones as both operate control areas. This makes the overall transmission revenue requirements and resulting rates for point-to-point service similar to those of each utility’s OATT filed under Order 888. However, these tariffs were not used for transactions that were grandfathered or transacted under MAPP Schedule F. All three utilities preliminarily estimate net revenue loss from the elimination of schedule F:

Company	Sched.F Revenue	MISO Revenue	Difference
NSP Companies	\$4,568,204	No Data	No Data
MDU	\$563,000	\$0	-\$563,000
Otter Tail	\$790,000	\$700,000	-\$90,000

Reviewing transmission revenue requirements and what percentage they are of total overall revenue requirements may help put the above numbers into perspective. The utilities report:

Company	Annual Transmission Revenue Requirement	Transmission Revenue as Approximate Percentage of Total Overall Revenues
NSP Companies	\$130 million	6%
MDU	\$14 million	15%
Otter Tail	\$19 million	10 to 11%

After the six-year transition period, MISO participants will vote whether to switch from zonal rates to a single region-wide “postage stamp” rate. Postage stamp rates would likely be in the public interest of North Dakota where transmission rates are generally above average. However, the MISO participation agreement requires a unanimous vote of the participants before switching and it is doubtful that participants with below-average rates would agree to switch.

Rates under the MISO OATT are posted on the MISO web page at:
[http://www.midwestiso.org/news/Dec 10 2001 zonal pricing.pdf](http://www.midwestiso.org/news/Dec_10_2001_zonal_pricing.pdf)

Reliability:

FERC found MISO in conformance with Order 2000 short-term reliability requirements when granting RTO status last month. Local utility operators will

still perform control area functions, but MISO will have superseding authority. MISO will have exclusive authority to receive, confirm and implement all interchange schedules and to order redispatch of any generator connected to transmission facilities it operates. MISO will approve or disapprove all scheduled outages of transmission facilities to ensure accommodation within established reliability standards. MISO will honor and monitor compliance with reliability standards established by MAPP and other NERC regional reliability councils.

MISO will coordinate long-term system planning throughout the region and will continue using the Missouri Basin, Red River Valley and other MAPP sub regional planning groups.

Generally, centralizing grid operations over a larger region should enhance overall system reliability. However, the MISO OATT will likely cause increased wholesale transactions, which could lead to more problems with constraints, redispatches and curtailments. Also, regional MISO decisions may not always produce the best local results.

Market Power:

MISO will enlist a consulting firm to act as an Independent Market Monitor (IMM). The IMM will monitor energy markets and provide annual reports to the FERC and state regulatory agencies regarding the competitive performance and efficiency of RTO markets and services.

Concerns in other jurisdictions have been raised that MISO may not be truly independent, which could lead to market power abuse resulting in reduced reliability and increased costs.

The Illinois Commerce Commission (ICC) filed a petition with the FERC on January 18, 2002 for rehearing and clarification of its December 19th MISO decision regarding the issues of independence, configuration, and market monitoring. The ICC is concerned that the MISO structure is not truly independent because MISO depends on the participation of market participant utilities that own the transmission facilities MISO operates and MISO can be influenced by those utilities.

Also on January 18, 2002, the FERC announced plans to create a new Office of Market Oversight and Investigations, intended to prevent manipulation of U.S. wholesale energy prices and supplies. FERC expects the office to be operational in 90 days with a staff of more than 50. The office was designed to strengthen FERC's ability to pursue action against companies that engage in questionable market behavior.

The FERC Order issued September 16, 1998 in FERC Docket No. EC98-1438-000 requires MISO to monitor the competitive and reliability effects of allowing

current control area operators to continue to perform some control area functions, not only in an 18-month assessment but also on an ongoing basis. If concerns in this regard arise it is the obligation of the ISO to resolve them. In the event the ISO cannot resolve them, the ISO is obligated to report the problem to FERC and other appropriate regulatory authorities. MISO is further required to include, in its ongoing as well as its 18-month assessments, a report on the effectiveness of the proposed system of fines and penalties and their ability to ensure compliance with the ISO's orders and instructions.

Recommendation:

Staff concludes that the overall effect on rates and reliability is not fully known at this time. Preliminary indications are generally positive, but many issues on future impact remain unresolved.

In order to facilitate the transition while still protecting the public interest, Staff recommends the imposition of reporting requirements designed to address areas of concern over future impacts. Staff recommends approval of each proposed transfer with conditions:

1. Provide the Commission with notice of all MISO tariff filings and report to the Commission on any proposed changes that may ultimately affect retail rates to North Dakota customers.
2. Notify the Commission when tariff or other changes are proposed that may reasonably be construed as having the potential to negatively affect the transmission service priority of native load or otherwise hamper reliability to North Dakota customers.
3. Provide the Commission with an annual report and analysis of:
 - a. How MISO membership has affected overall transmission costs and revenues and overall energy costs, including the ability to use the utilities own least-cost generation and ability to access low-cost power on the wholesale market; and
 - b. Each instance where MISO directed redispatch of utility's owned generation for reliability reasons, including an explanation of financial impact on rates and the reason for redispatch if known.
4. Work with the Commission to promote MISO policies that allow utilities to continue to meet their obligations to provide least-cost power to retail customers.
5. Work with the Commission to address through FERC or the MISO stakeholder advisory process, any reliability concerns that result from the transfer of operational control of transmission facilities to MISO.
6. Report to the Commission each instance where MISO directed actions resulted in an interruption of firm retail electric service to retail customers in North Dakota.

7. Provide to the Commission a copy of any Form EIA-417R Power System Emergency Report submitted to the DOE.
8. Provide to the Commission a copy of any MISO reports to FERC regarding competitiveness or reliability of control area operations.
9. Condition approval on the utility's agreement to not assert federal preemption as a defense challenging a Commission decision disallowing costs from MISO as unreasonable or imprudent.

Staff further recommends the Commission specifically defer any decision regarding the reasonableness of any costs the utilities may seek to recover from retail customers associated with the transfer of operational control of transmission facilities to the MISO, the MISO's operation of those facilities, the services taken from the MISO by the utility, or the utility's MISO membership.

Prepared by: Jerry Lein



Public Service Commission

State of North Dakota

COMMISSIONERS

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Leo M. Reinbold
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Executive Secretary
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- 17** **PU-400-00-91** Pages: 0
Informal Hearing held
by Public Service Commission
01/25/2002 CC: Comm Legal Illona, Pat, Jerry Mike .
- 10** **PU-401-01-643** Pages: 0
Informal Hearing held
by Public Service Commission
01/25/2002 CC: Comm Legal Illona, Pat, Jerry Mike .
- 9** **PU-399-01-651** Pages: 0
Informal hearing held
by Public Service Commission
01/25/2002 CC: Comm Legal Illona, Pat, Jerry Mike .



400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

JAN 29

January 29, 2002

Executive Secretary
North Dakota Public Service
Commission
State Capitol Building
Bismarck, ND 58505

Re: Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc.
Transfer Control of Transmission
Facilities to MISO
Case No. PU-399-01-651

In response to the Staff request at the February 25, 2002, informal hearing in the above referenced matter, Montana-Dakota Utilities Co. (Montana-Dakota), a Division of MDU Resources Group, Inc. herewith submits the following regarding what information it voluntarily agrees to submit to the Commission relative to the Midwest Independent System Operator, Inc. (MISO) in lieu of a Commission order approving or disapproving operational transfer and imposing conditions.

As noted on the record of the informal hearing, Montana-Dakota does not believe the Commission's authority under NDCC §49-02-01(4) gives it subject matter jurisdiction over Montana-Dakota's transfer of operational control of certain electric transmission facilities to the MISO. As such, Montana-Dakota submitted an informational filing and does not believe that the Commission need issue any order regarding that filing. With regard to Mr. Lein's Recommendation section item number 9 of the Staff paper presented at the informal hearing, Montana-Dakota believes such action is not allowable as a result of the North Dakota Supreme Court decision in Northern States Power Co. v. Hagen, 314 N.W. 2d 32 (N.D. 1981).

At the informal hearing, Montana-Dakota indicated that, to facilitate the transition to MISO, it would voluntarily submit the information requested in items 1 through 8 of the Recommendation section of Mr. Lein's memo. Those items are repeated below.

1. Provide the Commission with notice of all MISO tariff filings and report to the Commission on any proposed changes that may ultimately affect retail rates to North Dakota customers.
2. Notify the Commission when tariff or other changes are proposed that may reasonably be construed as having the potential to negatively affect the transmission service priority of native load or otherwise hamper reliability to North Dakota customers.
3. Provide the Commission with an annual report and analysis of:
 - a. How MISO membership has affected overall transmission costs and revenues and overall energy costs, including the ability to use the utilities own least-cost generation and ability to access low-cost power on the wholesale market; and
 - b. Each instance where MISO directed redispatch of utility's owned generation for reliability reasons, including an explanation of financial impact on rates and the reason for redispatch if known.
4. Work with the Commission to promote MISO policies that allow utilities to continue to meet their obligations to provide least-cost power to retail customers.
5. Work with the Commission to address through FERC or the MISO stakeholder advisory process, any reliability concerns that result from the transfer of operational control of transmission facilities to MISO.
6. Report to the Commission each instance where MISO directed actions resulted in an interruption of firm retail electric service to retail customers in North Dakota.
7. Provide to the Commission a copy of any Form EIA-417R Power System Emergency Report submitted to the DOE.
8. Provide to the Commission a copy of any MISO reports to FERC regarding competitiveness or reliability of control area operations.

As stated at the informal hearing, Montana-Dakota's primary goal remains the provision of safe, reliable service to its customers at reasonable rates.

Please acknowledge receipt by stamping and returning one copy of this memo in the envelope provided.

Sincerely,

A handwritten signature in cursive script that reads "Donald R. Ball".

Donald R. Ball
Director of Regulatory Affairs

C: Douglas Schulz

Affidavit of Publication

RECEIVED

State of North Dakota)

JAN 14

County of Burleigh)

Laurie Thiel

, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:
NSP / Otter tail / MDU, 1 time(s)
as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed:

[Signature]

Subscribed and sworn to before me this

7th day of

January, D. 2001.

[Signature]

LAURIE SCHAFFER
 Notary Public, STATE OF NORTH DAKOTA
 My Commission Expires DEC. 1, 2005

- 16 **PU-400-00-91** Pages: 1
Affidavit of Publication
by North Dakota Advertising Service, Inc.
01/14/2002 CC: Comm Legal Ilona, Pat, Jerry Mike .
- 7 **PU-401-01-643** Pages: 1
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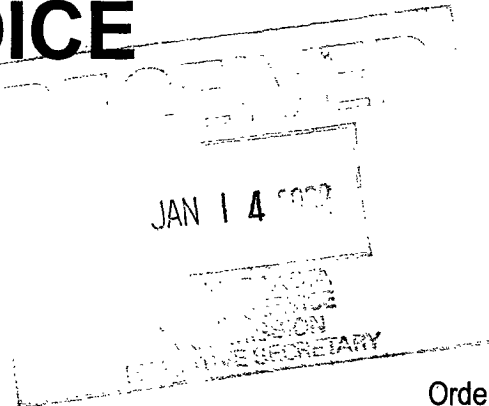
INVOICE

Date: 01/10/2002

Page: 1

To:

JON H. MIELKE
PUBLIC SERVICE COMMISSION
STATE CAPITOL
BISMARCK ND 58505



Client: Public Service Commission

Order: 01125PP0

Newspaper	Date	Inches	Page#	Rate	Amount
Bismarck Tribune	NSP/ Otter 12/28/2001	71.00	SPR2	0.61	43.31
Devils Lake Daily Journal	NSP/ Otter 12/28/2001	71.00	SPR3	0.59	41.89
Dickinson Press	NSP/ Otter 12/28/2001	82.00	SPR3	0.64	52.48
Fargo, The Forum	NSP/ Otter 12/31/2001	71.00	SPR2	0.73	51.83
Grand Forks Herald	NSP/ Otter 12/29/2001	71.00	SPR2	0.61	43.31
Jamestown Sun	NSP/ Otter 12/28/2001	82.00	SPR2	0.50	41.00
Minot Daily News	NSP/ Otter 12/28/2001	114.00	SPR2	0.42	47.88
Valley City Times-Record	NSP/ Otter 12/28/2001	77.00	SPR3	0.55	42.35
Wahpeton Daily News	NSP/ Otter 12/30/2001	86.00	SPR3	0.46	39.56
Williston Herald	NSP/ Otter 12/28/2001	75.00	SPR2	0.54	40.50

*** ADVERTISING TOTAL 444.11

*** TOTAL DUE 444.11

- 16 **PU-400-00-91** Pages: 1
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by North Dakota Advertising Service, Inc.
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This invoice is due and payable upon receipt. Unpaid items over 30 days from invoice date are subject to a finance charge. The finance charge is computed by a periodic rate of 1 3/4 percent per month (or a minimum charge of 50 cents for balances of under \$50), which is an annual percentage rate of 21 percent.
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Please pay from this invoice — No statement will be sent. Return duplicate with remittance to North Dakota Advertising Service, Inc.

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Friday, December 21, 2001 10:35 AM
To: ndna (E-mail)
Subject: Attached Notice of Opportunity for Hearing and Notice of Informal Hearing

**Colleen
North Dakota Newspaper Association**

Colleen,

Please have the attached Notice of Opportunity for Hearing and Notice of Informal Hearing published as a legal publication in the next issue of the ten North Dakota daily newspapers.

This notice must be published by December 31, 2001, in order for us to meet our legal obligations. If you can't meet that deadline, please let us know.

Send the bill to the Public Service Commission, along with a tear sheet for billing purposes.

If you have any questions, please call me at 328-4076. Thank you.

Sincerely,

**Sharon Helbling
Public Utilities Division**



1.doc

6 **PU-399-01-651**

Pages: 1

Notice e-mailed to NDNA requesting
publication
by Public Service Commission

1

12/21/2001 CC: Comm Legal Ilona, Pat, Jerry Mike

Andrew Anderson
Otter Tail Power Company
215 S Cascade Street
Fergus Falls MN 56538-0496

John MacFarlane
Otter Tail Power Company
215 S Cascade Street
Fergus Falls MN 56538-0496

Jay Myster
Otter Tail Power Company
215 S Cascade Street
Fergus Falls MN 56538-0496

Patricia Estes
Prairie West Publications
PO Box 970
Wahpeton ND 58074-0970

Telecommunications Reports
1333 H St NW 11th Fl W Tower
Washington DC 20005

WDAY AM-FM & TV
PO Box 2466
Fargo ND 58108-2466

WDAZ-TV
PO Box 12639
Grand Forks ND 58208-2639

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Northern States Power Company
Transfer Control of Transmission Fac. To MISO
Application**

Case No. PU-400-00-91

**Otter Tail Power Company
Transfer Control of Transmission Fac. To MISO
Application**

Case No. PU-401-01-643

**Montana-Dakota Utilities Co.
Transfer Control of Transmission Fac. To MISO
Application**

Case No. PU-399-01-651

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of December, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Notice of Opportunity for Hearing and Notice of Informal Hearing

The envelopes were addressed as follows:

Mike Swenson
Northern States Power Company
2302 Great Northern Dr
Fargo ND 58102
Cert. No. 7099 3220 0002 8483 1020

Dan Kuntz
P O Box 1695
Bismarck ND 58502-1695
Cert. No. 7099 3229 0002 8483 1037

Pete Beithon
Otter Tail Power Company
215 S Cascade St
Fergus Falls MN 56538-0496
Cert. No. 7099 3220 0002 8483 1044

Don Ball
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501
Cert. No. 7099 3220 0002 8483 1075

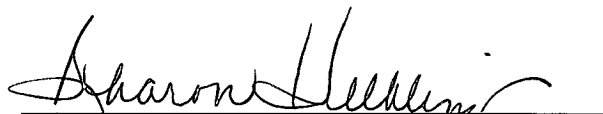
Douglas W Schulz
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501
Cert. No. 7099 3220 0002 8483 1082

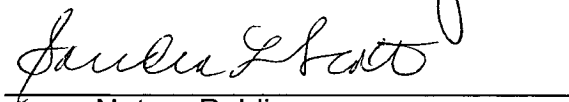
Sharon Helbling further deposes and says that on the **26th day of December, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Dave Sederquist
Northern Staes Power Company
2302 Great Northern Dr
Fargo ND 58102

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

Subscribed and sworn to before me
this **26th day of December, 2001**.





Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-400-00-91

Otter Tail Power Company
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-401-01-643

Montana-Dakota Utilities Co.
Transfer Control of Transmission Fac. To MISO
Application

Case No. PU-399-01-651

AFFIDAVIT OF SERVICE BY E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **21st day of December, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

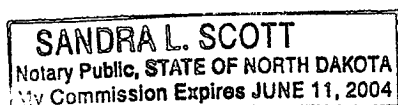
Notice of Opportunity for Hearing and Notice of Informal Hearing

The envelopes were addressed as follows:

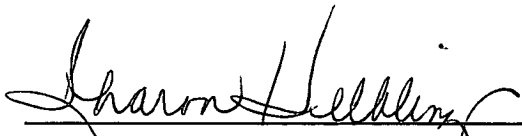
See Attached List


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

Subscribed and sworn to before me
this **21st day of December, 2001**.



SEAL





Notary Public

akemp@tminc.com
Ann-Marie Kemp

Lubka@rrnet n
Lewis Lubka
1723 6th St S
Fargo ND 58103

jason_gustafson@bobcat.com
Jason Gustafson
Melroe Company
P O Box 128
Gwinner ND 58040-0128

craig_scott@bobcat.com
Craig Scott
Melroe Company
P O Box 128
Gwinner ND 58040-0128

shandy@kwh.com
Scott Handy
Cass County Elec Coop Inc
4100 32nd Ave SW
Fargo ND 58104

Mark.Hanson@grandforks.af.mil
Mark Hanson
Grand Forks Air Force Base
319 ARW/JA
460 Steen Blvd Ste 201
Grand Forks ND 58205

itci@hcctel.net
Bruce Reuber
Interstate Telcom Consulting Inc
130 Birch Ave W
Hector MN 55342-0668

Karyn Grass
IPAMS
6620 Denver Club Bldg
518 17th ST
Denver CO 80202-4167
rmattern@badlands.nodak.edu
Rich Mattern
KDSU-FM Radio
PO Box 5347
Fargo ND 58105-5347

d
d d
KDDR
Box 411
Oakes ND 58474-0411

Michel Murray
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

tom.hopgood@mduresources.com
Tom Hopgood
Montana-Dakota Utilities Co

balld@mdu.mdures.com
Don Ball
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501

karen.collins@mduresources.com
Karen Collins
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400 N 4th St
Bismarck ND 58501

AhernM@moss-barnett.com
Mike Ahern
Moss & Barnett
90 S 7th Street #4800
Minneapolis MN 55402-4129

rlogsdon@navix.net
Robert Logsdon
Nebraska Public Service Commission
PO Box 94927
Lincoln NE 68509-4927

michael.l.swenson@nspco.com
Mike Swenson
Northern States Power Company
PO Box 2747
Fargo ND 58107-2747

bruce.j.kopp@nspco.com
Bruce Kopp
Northern States Power Company
PO Box 13038
Grand Forks ND 58208-3038

dave.sederquist@nspco.com
Dave Sederquist
Northern States Power Company
414 Nicollet Mall
Minneapolis MN 55401

bbrutlag@otpc.com
Bernadine Brutlag
Otter Tail Power Company

rcarmody@otpc.com
Roger Carmody
Otter Tail Power Company

dcichos@otpc.com
Dave Cichos
Otter Tail Power Company

dgodel@otpc.com
Dean Godel
Otter Tail Power Company

tgreene@otpc.com
Tim Greene
Otter Tail Power Company

ghammer@otpc.com
Eugene Hammer
Otter Tail Power Company

dross@otpc.com
David Ross
Otter Tail Power Company

sschultz@otpc.com
Steve Schultz
Otter Tail Power Company

jspriggs@otpc.com
Janice Spriggs
Otter Tail Power Company

cvandevoort@otpc.com
Chris Van de Voort
Otter Tail Power Company

dweiby@otpc.com
Dan Weiby
Otter Tail Power Company

pbeithon@otpc.com
Pete Beithon
Otter Tail Power Company
215 S Cascade Street
Fergus Falls MN 56538-0496

bbrutlag@otpc.com
Bernadeen Brutlag
Otter Tail Power Company
215 S Cascade Street
Fergus Falls MN 56538-0496

rdenault@otpc.com
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Otter Tail Power Company
Garrison ND 58540

fjohnson@otpc.com
Francis Johnson
Otter Tail Power Company
Langdon ND 58249

dcichos@otpc.com
Dave Cichos
Otter Tail Power Company
Rugby ND 58368

dreading@micron.net
Don Reading
Simplot
1227 El Pelar Dr
Boise ID 83702-1500

mjohnson@ot .com
Marlowe Johnson
Otter Tail Power Company
PO Box 2220
Jamestown ND 58402-2220

gcoyne@otpc.com
Geri Coyne
Otter Tail Power Company
PO Box 410
Oakes ND 58474-0410

wpp@pearce-durick.com
William Pearce
Pearce & Durick Attorneys
PO Box 400
Bismarck ND 58502-0400

mdickers@state.nd.us
Marcy Dickerson
State Tax Department
State Capitol
Bismarck ND 58505

Joseph Lamb
PO Box 196
Michigan ND 58259-0196

Peter Hoff
Arveson Donoho Lundeen Etc
125 S Mill St
Fergus Falls MN 56537

Jerry Tuchscherer
Grand Forks Board of Realtors
1407 24th Ave S #340
Grand Forks ND 58201-6761

KBMW-AM
PO Box 1115
Wahpeton ND 58074-1115

KDAK AM
Box 50
Carrington ND 58421-0050

KDLR AM-FM
Box 190
Devils Lake ND 58301-0190

KFGO
Box 2966
Fargo ND 58102-2966

Rick Jensen
KHND Radio
PO Box 6
Harvey ND 58341-0006

KKXL-AM/FM
PO Box 13598
Grand Forks ND 58208-3598

KMAV-AM
PO Box 36
Mayville ND 58257-0036

Myer Sharf
Knollwood Place Apts #221
3630 Phillips Pkwy
St Louis Park MN 55426

Mark Frederiksen
Economic Insights
416 Center St #365
Washington Grove MD 20880

KBMR AM-KQDY FM
3500 E Rosser Ave
Bismarck ND 58501

KCJB AM-FM & KXMC TV
PO Box 1686
Minot ND 58702-1686

Rod Kleinjan
KDIX Radio
119 2nd Ave W
Dickinson ND 58601-5115

KEYZ-AM
PO Box 2048
Williston ND 58802-2048

Jeff Alexander
KFYR-AM Radio
PO Box 1738
Bismarck ND 58502-1738

KHRT AM
PO Box 1210
Minot ND 58702-1210

KLXX AM
4303 Memorial Hwy
Mandan ND 58554

KMOT TV
Box 1120
Minot ND 58702-1120

KNDK-AM
HCR 5 Box 9
Langdon ND 58249

KNOX-AM & KRRK-FM
PO Box 13638
Grand Forks ND 58208-3638

KOVC-AM
PO Box 994
Valley City ND 58072-0994

KQDJ-AM
PO Box 1170
Jamestown ND 58402-1170

KQWB-AM/FM Radio
PO Box 9919
Fargo ND 58106-9919

KSJB-AM/KSJZ-FM
PO Box 5180
Jamestown ND 58402-5180

KTGO-AM
Box 457
Tioga ND 58852-0457

KTHI-TV
PO Box 1878
Fargo ND 58107-1878

KUMV-TV
PO Box 1287
Williston ND 58802-1287

KXJB-TV 4
4302 13th Ave S
Fargo ND 58103-3313

News Director
KXMA-TV
Drawer B
Dickinson ND 58602

KXMB TV
Box 1617
Bismarck ND 58502-1617

KXMC TV
Box 1686
Minot ND 58701-1686

KXMD-TV
PO Box 790
Williston ND 58802-0790

KXPO AM & FM Radio
856 W 12 St
Grafton ND 58237

KZZJ-AM
230 Highway 2 SE
Rugby ND 58368-2446

C W Fox
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501

Ron Tipton
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501

Mike Foley
NARUC
1101 Vermont Avenue NW Ste 200
Washington DC 20005

Everett Morris
NJ Public Service Electric & Gas
80 Park Pl
Newark NJ 07101

MOTION

December 21, 2001

**Northern States Power Company
Transfer Control of Transmission Facilities To MISO
Application**

Case No. PU-400-00-91

**Otter Tail Power Company
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-401-01-643

**Montana Dakota Utilities Co., A Division of MDU
Resources Group, Inc.
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-399-01-651

I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in the captioned applications to transfer operational control of electric transmission facilities to the Midwest Independent System Operator, Case Nos. PU-400-00-91, PU-401-01-643 and PU-399-01-651.

JRL/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-400-00-91

**Otter Tail Power Company
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-401-01-643

**Montana Dakota Utilities Co., A Division of MDU
Resources Group, Inc.
Transfer Control of Transmission Facilities to MISO
Application**

Case No. PU-399-01-651

**NOTICE OF OPPORTUNITY FOR HEARING AND
NOTICE OF INFORMAL HEARING**

December 21, 2001

On March 3, 2000, in Case No. PU-400-00-91, Northern States Power Company (NSP) filed a petition for review or approval of the transfer of operating control of networked NSP electric transmission facilities to the Midwest Independent Transmission System Operator, Inc. (MISO). Similar petitions were filed on December 18, 2001 in Case No. PU-401-01-643 by Otter Tail Power Company and on December 21, 2001 in Case No. PU-399-01-651 by Montana Dakota Utilities Co..

Petitioners intend to transfer operating control of transmission assets as a condition of joining MISO. Petitioners will maintain ownership of the assets, but MISO would control operation of the assets.

The issues to be considered in these proceedings are whether transfer of operating control is compatible with the public interest and under what terms or conditions, if any, should the petitions be granted.

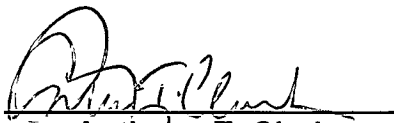
Those interested are invited to comment on these applications in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding(s) and the reasons for requesting a hearing. Comments and requests for hearing must be received by **January 23, 2002**. If deemed appropriate, the Commission can determine these matters without a hearing.

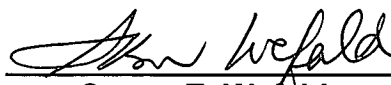
An informal hearing on these matters will be held on **January 25, 2002 at 9 a.m. (CST)** in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. At the informal hearing the petitioners will be given an opportunity to

present an overview of their petitions and interested persons will be given an opportunity to be heard.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify, Jon H. Mielke, Executive Secretary.

PUBLIC SERVICE COMMISSION


Anthony T. Clark
Commissioner


Susan E. Wefald
President


Leo M. Reinbold
Commissioner



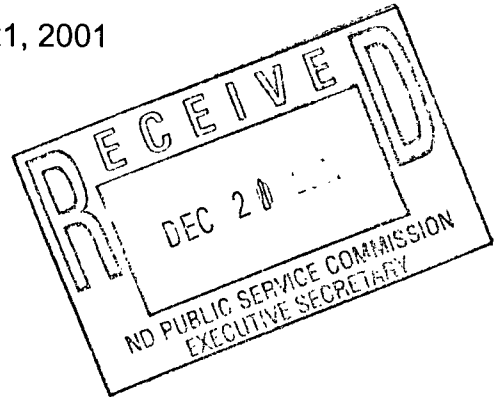
**MONTANA-DAKOTA
UTILITIES CO.**

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

December 21, 2001

Executive Secretary
North Dakota Public Service
Commission
State Capitol Building
Bismarck, ND 58505



Re: Transfer of Functional Operating Control
of Certain Transmission Facilities to the
Midwest Independent System Operator,
Inc.

Montana- Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) herewith submits this informational filing with the Commission concerning the operating control transfer of certain of Montana-Dakota's electric transmission facilities to the Midwest Independent System Operator, Inc. (MISO). Montana-Dakota does not believe that the provisions of Title 49, NDCC, require a petition for approval since Montana-Dakota is transferring only operational control to the MISO and not ownership of the facilities. Transfer of operational control is expected to occur by February 1, 2002.

Pursuant to the Federal Energy Regulatory Commission's (FERC) Order No. 2000, requiring all public electric utilities that own, operate or control interstate transmission facilities to join a regional transmission organization (RTO) Montana-Dakota has been investigating means by which to satisfy the FERC requirement. Upon investigation of several alternatives, Montana-Dakota determined that the MISO provided the best fit in terms of the regional configuration and scope. Montana-Dakota is a member of the MISO, having signed the Transmission Owner's Agreement on September 9, 2001.

The FERC has determined that the MISO satisfies the four characteristics of an RTO (independence, scope and configuration, operational authority and short-term reliability) and granted the MISO RTO status on December 19, 2001.

Montana-Dakota operates transmission facilities that are interconnected with Western Area Power Administration (Western), Otter Tail Power Company, Minnkota Power Cooperative and NorthWestern Corporation. Montana-Dakota's system is part of Western's Upper Great Plains East control area. However, Montana-Dakota does function as a pseudo-control area under Western, with all the above-noted interconnections metered. This completely enclosed (metered) boundary defines Montana-Dakota's pricing zone under the MISO.

The MISO will serve to benefit sellers and buyers of electricity alike by providing for regional transmission service and non-pancaked rates and increasing reliability and the ability to address transmission constraints on a region-wide basis. Montana-Dakota's membership in the MISO will serve to increase the MISO's ability to provide these public benefits, by enlarging the transmission system under the MISO's operational control and the system subject to the Super-Regional Rate tariff achieved in the Settlement Agreement.

The transmission facilities that Montana-Dakota will transfer to the MISO's functional control ("Transferred Facilities") are listed and shown in Exhibit 1 to this Application. These facilities consist of all of Montana-Dakota's network facilities above 100 kV and networked transformers whose two highest voltages are above 100kV. The guidelines for the facilities to be transferred are set forth at Article 1, Section L of the MISO Agreement and Appendix H to the MISO Agreement. Montana-Dakota believes that the transmission facilities listed on Exhibit 1 comply with these MISO guidelines. Montana-Dakota is not transferring control, at this time, of those facilities owned by Montana-Dakota but not under the primary control of Montana-Dakota, nor is it transferring

control of facilities owned by other entities but under Montana-Dakota's operational control.

The transfer of operational authority over the Transferred Facilities to the MISO is also consistent with the public interest. By increasing the scope of facilities over which the MISO has operational authority, reliability in the Midwest will be enhanced, and the MISO's ability to address transmission constraints will be increased. Finally, the expansion of the facilities under the MISO's operational authority will expand the region over which sellers and buyers can transmit power at non-pancaked rates, again consistent with the public interest.

As of November 1, 2001, the MISO transmission owners include American Transmission Company, LLC; Alliant Energy Corporation; Central Illinois Light Co.; Cinergy Services, Inc.; City Water Light & Power (Springfield, IL), Hoosier Energy Rural Electric Cooperative, Inc.; LG&E Corporation (for Louisville Gas and Electric Co. and Kentucky Utilities Co.); Northwestern Wisconsin Electric Co.; Southern Illinois Power Cooperative; Vectren Energy; Wabash Valley Power Association, Inc.; Xcel Energy, Inc.; Lincoln Electric System; UtiliCorp United, Inc.; Indianapolis Power & Light Company; Indiana Municipal Power Agency; Otter Tail Power Company and Minnesota Power/Superior Water, Light and Power Company. Manitoba Hydro is participating in the MISO via a Coordination Agreement. The International Transmission Company, based in Detroit, MI, participates in the MISO via a special membership category called Appendix I, which was designed for for-profit transmission companies. TRANSLink has also petitioned the FERC to participate in the MISO under Appendix I. Finally, Southern Minnesota Municipal Power Agency, Sunflower Electric Power Corp., Dairyland Power Cooperative and Great River Energy are conditional members of the MISO.

Montana-Dakota believes that the geographic size and scope of this expanded MISO transmission owner membership will greatly enhance regional planning, and congestion management in the Midwest portion of the United States and Canada.

Please direct all inquires regarding this filing to:

Donald R. Ball
Director of Regulatory Affairs
Montana-Dakota Utilities Co.
400 North 4th Street
Bismarck, ND 58501

Douglas W. Schulz
Senior Attorney
Montana-Dakota Utilities Co.
400 N. 4th St.
Bismarck, ND 58501

Please acknowledge receipt of this filling by time stamping and returning one copy in the envelope provided.

Sincerely,



Donald R. Ball
Directory of Regulatory Affairs

Enclosures

Cc: Doug Schulz

Montana-Dakota Utilities Co.
Transmission Related Facilities Being Transferred to MISO

Substations

Substations networked >100kV	Transmission Operating Voltage	Notes
Baker Junction	230/115	230kV terminals controlled by WAPA
Beulah Junction	115	Terminals 162 & 262 control WAPA facilities
East Bismarck Junction	115	
Sweet Avenue Junction	115	
Ellendale Junction	230/115	230kV terminal 5150-5135 contrls OTP facilities 115kV terminal 5145 controls NWPS facilities
Glendive Plant 115 KV	115	MOS 569 controls WAPA facilities
Glendive Turbine Junction	115	
Hettinger Junction	230/115	230kV terminals controlled by WAPA
Kenmare Junction	115	115kV terminal controls BEPC facilities
Heskett Station Junction	230/115	230kV terminals 182 & 282 controlled by WAPA 230kV terminal 7145 controls Square Butte facilities
Tioga 115KV Junction	115	Terminal 1442 owned by Mountrail-Williams
Tioga 230KV Junction	230/115	115kV capacitor owned by BEPC
Wishek Junction	230/115	
Coyote Switchyard	345/115	Plant synchronized on 345kV
Big Stone Switchyard		Operated by OTP
Stanley Junction	115	
Green River Junction	115	
BN Substation	115	
NW Bismarck Junction	115	
Century Ave. Substation	115	
Stein Substation	115	
New England Junction	115	
Linton Junction	115	

**Montana-Dakota Utilities Co.
Transmission Related Facilities Being Transferred to MISO**

Transmission Lines

Substation	Between	Substation	Operating Voltage	Notes
Beulah Junction		Heskett Junction	115	
East Bismarck Junction		Wishek Junction	115	a)
Williston WAPA		Tioga 115KV Junction	115	b)
Beulah Junction		Dickinson Junction (UM)	115	
Tioga 115KV Junction		Kenmare Junction	115	
Heskett Junction		Bismarck Sweet Ave. Jct	115	
East Bismarck Junction		Bismarck WAPA	115	
Glendive Turbine Junction		Baker Junction	115	
Heskett Junction		Wishek Junction	230	
Wishek Junction		Ellendale Junction	230	
Dickinson Junction		Hettinger Junction	115	
Miles City Turbine Junction		Miles City WAPA	57	
Big Stone Plant		Hankinson	230	c)
East Bismarck Junction		NW Bismarck Junction	115	d)
Coyote Switchyard		Center 345KV Switchyard	345	e)
Bismarck Sweet Avenue		E. Bismarck Junction	115	f)
Center		Jamestown	345	g)

- a) Operated normally open
- b) Montana-Dakota has primary control of WAPA terminal 1562 at Williston WAPA substation
- c) 47.544 miles of line owned by Montana-Dakota
- d) 2.11 miles of line owned by Capital Electric Cooperative
- e) 11.412 of 34.037 project line owned by Montana-Dakota
- f) Line leased by Montana-Dakota from WAPA
- g) 0.69 miles of line owned by Montana-Dakota

PU-400-00-91 PU-401-01-643 PU-399-01-651

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mike Severson
 Northern States Tower Company
 2302 Great Northern Dr
 Fargo ND 58102

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
 C. Signature *DJK*
 Agent
 Addressee
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No
 Edcel Energy
 PO Box 2747
 Fargo ND 58108

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 7099 3220 0002 8483 1020

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

PU-400-00-91 PU-401-01-643 PU-399-01-651

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Pete Beuthon
 Otter Tail Power Company
 215 W Cascade St
 Fargo Falls MN 56538-0496

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
 DEC 28
 C. Signature *Pete Beuthon*
 Agent
 Addressee
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 7099 3220 0002 8483 1044

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

PU-400-00-91 PU-401-01-643 PU-399-01-651

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Douglas W Schulz
 Montana - Dakota Utilities Co
 400 W 4th St
 Bismarck ND 58501

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
 Alan Schulz 122701
 C. Signature *Alan Schulz*
 Agent
 Addressee
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

PU-400-00-91, PU-401-01-643, PU-399-01-651

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Don Ball
 MW
 400 N 4th St
 Bismarck ND 58501

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) <i>Ala Satz</i>	B. Date of Delivery 12 27 01
C. Signature <i>Ala Satz</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 7099 3220 0002 8483 1075

PU-400-00-91, PU-401-01-643, PU-399-01-651

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Dan Kuntz
 PO Box 1695
 Bismarck ND 58502-1695

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) <i>Ala Satz</i>	B. Date of Delivery 12 27 01
C. Signature <i>Ala Satz</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 7099 3220 0002 8483 1037

PU-399-01-651

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
Article Addressed to: Douglas Schulz Montana-Dakota Utilities Co. 400 N 4th St Bismarck ND 58501	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7099 3220 0002 8483 1402		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

PU-399-01-651

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Don Ball Montana-Dakota Utilities Co. 400 N 4th St Bismarck ND 58501	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7099 3220 0002 8483 1396		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952