



Public Service Commission  
State of North Dakota

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October 19, 2005

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Capital Electric Cooperative, Inc. vs.  
Montana-Dakota Utilities Co.  
Complaint  
Case No. PU-05-551

Dear Mr. Hoberg:

Enclosed is a request for an administrative law judge in the above case. The Commission has scheduled a hearing for December 13, 2005, beginning at 9 a.m. (CST) in the Commission's Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck. The administrative law judge will serve as a procedural law judge, a court reporter may be present, and the hearing will be tape recorded. A copy of the case is enclosed.

Please provide the Commission with a copy of any filings issued by your office in this matter.

If you have any questions, please contact me. Thank you.

Sincerely,

  
William W. Binck  
Hearing Administrator

/s/  
Enclosure

c: Ms. Carol Larson  
Mr. Daniel S. Kuntz



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17818 (Rev. 03-2001)

Name of Agency, Board, or Commission Public Service Commission		
Name of Respondent(s) Montana-Dakota Utilities Co.	Address P. O. Box 5650, Bismarck, ND 58506-5650	Telephone Number 701-222-7900

The above named agency, board, or commission has taken administrative action pursuant to its authority found in Title 49 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows: Case No. PU-05-551, Capital Electric Cooperative, Inc. vs Montana-Dakota Utilities Co., Complaint. Hearing is set for December 13, 2005, beginning at 9 a.m. in the Commission Hearing Room, 12th Floor State Capitol, Bismarck, ND.
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Has the respondent been provided a copy of the complaint?  Yes  No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Agency Contact Person(s) William W. Binek, Chief Counsel	Telephone Number 328-4088
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Representation [attorney (or other)] if known:

Agency William W. Binek, Chief Counsel	Telephone Number 328-4088
Party Carol K. Larson, Pringle & Herigstad, P. O. Box 1000, Minot, ND 58702-1000, (Capitol Electric Coop, Inc.)	Telephone Number 701-852-0381
Party Daniel S. Kuntz, Montana-Dakota Utilities Co., P. O. Box 5650, Bismarck, ND 58506-5650	Telephone Number 701-222-7612 (Direct)

Additional Comments Hearing will be tape recorded, court reporter may be requested.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W. Binek, Hearing Administrator	Date October 19, 2005
Signature of Requesting Person 	Telephone Number 328-4088