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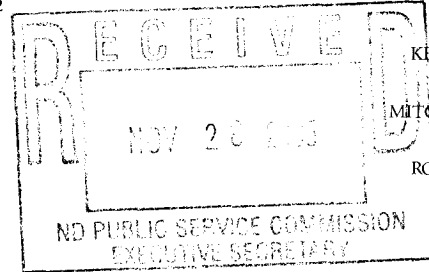
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November 28, 2005

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**CAPTIAL ELECTRIC COOPERATIVE, INC. V. MONTANA-DAKOTA UTILITIES, INC.
CASE NO. PU-05-551**

We respond in letter format to MDU's "Motion to Dismiss or in the Alternative Motion for Continuance" dated November 23, 2005.

Though described as alternative motions, we regard the motions as separate, and we address them separately.

MDU's motion to dismiss is redundant, repeating assertions of its answer and the request that Capital's complaint be dismissed. The PSC has appropriately responded, stating in its notice of hearing that one of the issues to be considered at the hearing is whether the Commission has jurisdiction.

Capital resists the motion to dismiss. Rather than responding to the abbreviated arguments incorporated in MDU's motion, it suffices at this point to say Capital has invoked the jurisdiction delegated by the legislature to the Commission, and we dispute MDU's arguments that the Commission should deny that it has jurisdiction. MDU's filing of a separate motion seems to imply that the Commission should dismiss the case summarily without holding a hearing. The motion to dismiss should be denied. We agree with the Commission that jurisdiction is an issue to be addressed at the hearing.

Capital does not resist the motion for continuance.

Yours truly,

Carol K. Larson

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cc: Daniel S. Kuntz

Response to MDU's Motion to Dismiss

by Capital Electric Cooperative Inc. by Carol Larson, Att
11/28/2005 CC: Comm Legal Illona, Annette ALJ