



116 North 2nd Street
Bismarck, ND 58501

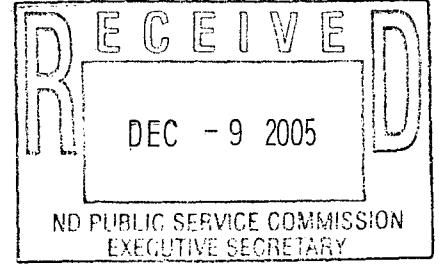
Please respond to Bismarck office:

P.O. Box 460
Bismarck, ND 58502-0460
Phone (701) 258-0630
Fax (701) 258-6498

Offices also in Moorhead:

(218) 233-8105
Fax (218) 233-8620

December 8, 2005



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

Re: Capital Electric v. City of Bismarck, et al.
Burleigh Co. Civil No. 05-C-2303

Dear Ms. Simenson:

Enclosed for filing and the Court's consideration in the above-referenced matter, please find the following original documents:

1. Notice of Appearance;
2. Demand for Change of Judge (in triplicate original).

Thank you for your attention to this matter.

Very truly yours,

Randall J. Bakke

SHELDON A. SMITH* (OF COUNSEL)

RANDALL J. BAKKE***

PAUL R. OPPEGARD***

SCOTT K. PORSBORG***

TROY A. WOLF*

COREY J. QUINTON**

SUZANNE M. SCHWEIGERT*

BARBARA ANDERSON LEWIS**

SHAWN A. GRINOLDS**

MITCHELL D. ARMSTRONG*

RJB:jm

Enclosures

cc: Carol K. Larson (w/encl.)
Daniel S. Kuntz (w/encl.)
William W. Binek (w/encl.)
Charles C. Whitman (w/encl.)

Clerk, I

* LICENSED IN NORTH DAKOTA

** LICENSED IN MINNESOTA

*** LICENSED IN SOUTH DAKOTA

* BOARD CERTIFIED CIVIL TRIAL
SPECIALIST BY NATIONAL BOARD
OF TRIAL ADVOCACY

STATE OF NORTH DAKOTA

IN DISTRICT COURT

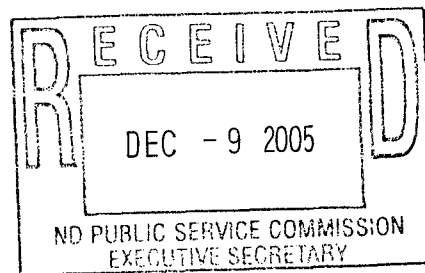
COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

CIVIL NO. 05-C-2303

Capital Electric Cooperative, Inc.,)
)
 Plaintiff,)
)
 vs.)
)
 The City of Bismarck, North Dakota)
)
 and)
)
 Montana-Dakota Utilities, Inc., a Division)
 of MDU Resources Group, Inc.)
)
 and)
)
 The Public Service Commission of North)
 Dakota,)
)
 Defendants.)

DEMAND FOR CHANGE OF JUDGE



Pursuant to Section 29-15-21, NDCC, the defendant, City of Bismarck, hereby demands a change of judge in the above action, and makes this demand through her attorney, Randall J. Bakke of Smith Bakke Oppegard Porsborg Wolf. This demand is made with the permission of and at the request of the City of Bismarck, as is more fully verified by the fact that a copy has been mailed to Charles Whitman, Attorney for the City of Bismarck.

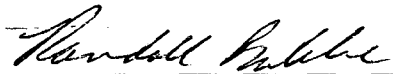
This Demand for Change of Judge is filed in good faith and not for the purpose of delay. This case involves a dispute regarding utility services to be provided within the City of Bismarck. The City of Bismarck hereby seeks to disqualify the Honorable Donald L. Jorgensen. No ruling upon any matter pertaining to this action or proceeding has been heard or had an opportunity to be

heard.

WHEREFORE, under the provisions of Section 29-15-21, NDCC, the City of Bismarck respectfully and in good faith requests that another judge be designated, preside and act in all further proceedings herein.

Dated this 8th day of December, 2005.

SMITH BAKKE OPPEGARD PORSBORG WOLF

By: 

Randall J. Bakke
116 North Second Street
P.O. Box 460
Bismarck, ND 58502-0460
(701) 258-0630
ND State Bar ID No. 03898

Attorneys for Defendant,
City of Bismarck

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEMAND FOR CHANGE OF JUDGE** was on the 8th day of December, 2005, mailed to the following:

ATTORNEYS FOR PLAINTIFF:

Carol K. Larson
Attorney at Law
P.O. Box 1000
Minot, ND 58702-1000

ATTORNEY FOR DEFENDANT MONTANA DAKOTA UTILITIES:

Daniel S. Kuntz
MDU Resources Group, Inc.
P. O. Box 5650
Bismarck, ND 58502-5650

ATTORNEY FOR DEFENDANT PUBLIC SERVICE COMMISSION:

William W. Binek
Public Service Commission
State Capitol
Bismarck, ND 58505-0480

CLIENT:

Charles C. Whitman
City of Bismarck
P. O. Box 5503
Bismarck, ND 58506-5503

By 
RANDALL J. BAKKE

Demand for Change of Judge