

Scott, Sandi L.

From: Binek, William W.
Sent: Monday, December 19, 2005 10:35 AM
To: Scott, Sandi L.
Subject: FW: Capital Electric v. Montana Dakota Utilities Co Complaint; Our File No. 05-551

From: Carol Larson [mailto:cklarson@srt.com]
Sent: Monday, December 19, 2005 9:59 AM
To: Bendish, Annette M.; 'Kuntz, Dan'
Cc: Binek, William W.; 'Lars Nygren'
Subject: RE: Capital Electric v. Montana Dakota Utilities Co Complaint; Our File No. 05-551

Annette,

Responding to your email of December 14 regarding the Commissioners' proposal of three options as to how to proceed in this case:

1. Capital does not prefer option 1, postponement of any Commission action until after the district court matter is resolved. However, if the Commission prefers this option, Capital does not object.
2. Capital rejects option 2, schedule a hearing to address only the jurisdiction/motion to dismiss currently pending before the Commission.
3. Capital prefers option 3, re-schedule the hearing as originally noticed and address all the issues while the district court matter is still pending.

We believe a hearing to address all the issues would require one full day, but it might be well to select a schedule that allows for some time on the second day if needed. Considering the holiday season and time needed for preparation, we suggest a hearing any time after January 30, excepting the following dates that are unavailable due to scheduling conflicts with Capital's manager and/or engineer, or myself:

EXCEPTING February 13 to the 24th.

The dates of February 1st through the 10th are available at this writing, as are February 27 through March 3.

Thank you for your cooperation and assistance on this matter, and Happy Holidays to you and the rest of the folks at the PSC.

Carol

From: Bendish, Annette M. [mailto:abendish@state.nd.us]
Sent: Wednesday, December 14, 2005 11:22 AM
To: Kuntz, Dan; Carol Larson
Cc: Binek, William W.
Subject: Capital Electric v. Montana Dakota Utilities Co Complaint; Our File No. 05-551

Dan and Carol,

The Commission discussed this matter during the Administrative portion of its meeting today and would like to hear from the parties as to how they wish to proceed. Essentially the Commissioners propose three options:

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1. Postpone any Commission action until after the district court matter is resolved;
2. Schedule a hearing to address only the jurisdiction/motion to dismiss currently pending before the Commission;
3. Re-schedule the hearing as originally noticed and address all issues while the district court matter is still pending.

Please let me know how you wish to proceed. If you would like a hearing scheduled under either 2 or 3 please include what dates you are available.

If you have questions please contact Bill or I.

Annette Bendish
Public Utility Analyst
North Dakota Public Service Commission
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480
701-328-2421
fax: 701-328-2410
TDD: 800-366-6888
abendish@state.nd.us