

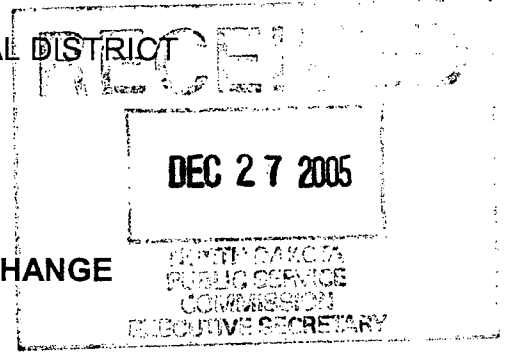
Copy

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT



Capital Electric Cooperative, Inc.,)
)
 Plaintiff,)

vs.)

**DEMAND FOR CHANGE
OF JUDGE**

The City of Bismarck, North Dakota,)
 and)

Montana-Dakota Utilities Co., a)
 Division of MDU Resources Group, Inc.)
 and)

The Public Service Commission of)
 North Dakota,)
 Defendants.)

Civil No. 05 C 2303

TO: CLERK OF THE ABOVE NAMED COURT;

COMES NOW The Plaintiff, Capital Electric Cooperative, Inc., by and through Carol K. Larson of Pringle & Herigstad, P.C., its undersigned counsel, and pursuant to Section 29-15-21, North Dakota Century Code, hereby demand a change of judge in the above referenced matter.

This demand for change of judge is filed in good faith and not for purposes of delay.

The judge sought to be disqualified is the Honorable Gail Hagerty of the District Court. The undersigned certifies that Judge Hagerty has not ruled upon any matter pertaining to this action or proceeding in which the moving party Defendant was heard or had an opportunity to be heard.

This demand is filed in triplicate with the Clerk of the above Court, pursuant to

statute.

Dated this 22nd day of December, 2005.

PRINGLE & HERIGSTAD, P.C.

By Carol K. Larson
Carol K. Larson #4406
Attorneys for the Plaintiff
P.O. Box 1000
Minot, ND 58702-1000
(701) 852-0381

The undersigned, Attorney for the Plaintiff, hereby certifies that the undersigned has mailed a copy of this demand to her client, the Plaintiff, namely Capital Electric Cooperative, Inc..

PRINGLE & HERIGSTAD, P.C.

By Carol K. Larson
Carol K. Larson #4406
Attorneys for the Plaintiff
P.O. Box 1000
Minot, ND 58702-1000
(701) 852-0381

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Demand for Change of Judge was, on the 22nd day of December, mailed to:

Patrick W. Durick
Daniel S. Kuntz
Attorneys at Law
PO Box 400
Bismarck, ND 58502-0400

Jerome C. Kettleson
Attorney at Law
PO Box 400
Bismarck, ND 58502-0400

Burleigh County Clerk of Court (in triplicate)
PO Box 1055
Bismarck, ND 58501-1055

Capital Electric Cooperative, Inc.
ATTN: Ordean "Lars" Nygren
PO Box 730
Bismarck, ND 58502-0730

Randall Bakke
Attorney at Law
PO Box 460
Bismarck, ND 58502-0460

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

/s/ Carol K. Larson

Carol K. Larson