

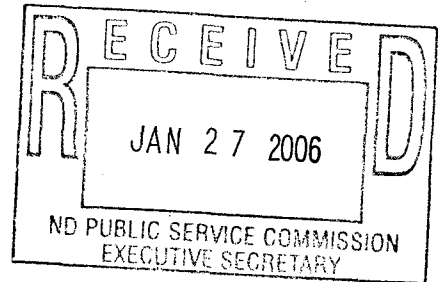


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January 26, 2006



Honorable Bruce B. Haskell
 District Judge
 South Central Judicial District
 P.O. Box 1013
 Bismarck, ND 58502

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

Dear Judge Haskell:

In your letter of January 24, 2006, you ask whether an oral argument is necessary in the above case. MDU feels this is an appropriate case for the Court to decide on the filings and that oral argument is not necessary. MDU further asserts no request was made for oral argument within five days of the due date for answer brief as required by Rule 3.2, N.D.R.Ct.

RULE 3.2 MOTIONS (a) Submission of motion. Notice must be served and filed with a motion. The notice must indicate the time of oral argument, or that the motion will be decided on briefs unless oral argument is timely requested. . . .Requests for oral argument or the taking of testimony must be made not later than 5 days after expiration of the time for filing the answer brief.

Very truly yours,

PEARCE & DURICK

By

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JCK/ef

cc. Randall Bakke
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