

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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.)

PLAINTIFF'S MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT AND NOTICE OF MOTION

Docket Number 05-C-2303

Plaintiff, Capital Electric Cooperative, Inc. (Capital), moves the Court for leave to amend its Complaint to provide a more definite statement of its claim to answering Defendant's, Montana-Dakota Utilities, Inc., a Division of MDU Resources Group Inc. (MDU) and the Public Service Commission (PSC). Capital has asserted its right to amend its Complaint once as a matter of right against the Defendant, City of Bismarck, North Dakota, as the City has not answered the Complaint. Service of the Amended Complaint has been made upon the City. A copy of the proposed Amended Complaint as to answering Defendants is attached.

NOTICE OF MOTION

TO: The City of Bismarck, by and through their attorney, Randall J. Bakke; Montana-Dakota Utilities, Inc., by and through their attorney, Jerome C. Kettleson; and the Public Service Commission, by and through their attorney, William W. Binek.

YOU WILL PLEASE TAKE NOTICE that the attached Motion to Amend Complaint and Notice of Appeal is being made to the Court pursuant to the provisions of Rule 3.2 of the North Dakota Rules of Court. You are further advised that you have 10 days after service of this Motion within which to file an answer brief and other supporting papers. Upon the filing of briefs, or upon expiration of the time for filing, the Motion is deemed submitted to the Court unless counsel requests oral argument on the Motion.

Dated this 3rd day of February, 2006.

PRINGLE & HERIGSTAD, P.C.

By: Carol K. Larson

Carol K. Larson - #04406

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