

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)

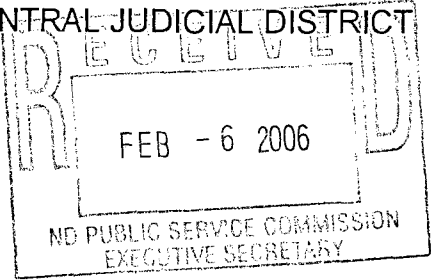
and)

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

and)

The Public Service Commission of)
North Dakota)

Defendants.)



**CAPITAL ELECTRIC COOPERATIVE'S
RESPONSE TO MONTANA-DAKOTA'S
REQUESTS FOR ADMISSIONS**

Docket Number 05-C-2303

Capital Electric Cooperative responds to Montana Dakota's requests for admission dated January 4, 2006, as follows:

- 1.1 The document exhibited with the request identified as Exhibit 1 is a genuine copy of a Resolution of the Bismarck Board of City Commissioners adopted May 12, 1987.
- 1.2 The document exhibited with the request identified as Exhibit 2 is a genuine copy of an Acceptance of Franchise by Montana-Dakota Utilities Co. Dated May 29, 1987.

- 1.3 The document exhibited with the request identified as Exhibit 3 is a genuine copy of a Resolution of the Bismarck Board of City Commissioners adopted May 25, 1993.
- 1.4 The document exhibited with the request identified as Exhibit 4 is a genuine copy of a letter from Dennis Schenkler, Investment/Finance Office, City of Bismarck, dated November 15, 2005.
- 1.5 The document exhibited with the request identified as Exhibit 5 is a genuine copy of Findings, Conclusions Decision and Order adopted by the Bismarck Board of City Commissioners on November 14, 2005.

It is noted that Rule 36 of the North Dakota Rules of Procedure entitles a party to request another to admit whether a document is "genuine." It is noted that Montana-Dakota requests Capital to admit that documents exhibited are "authentic and genuine." Capital understands the added word "authentic" as redundant and synonymous with "genuine." Capital does not admit that any of the exhibited documents is "authentic" in any sense other than that it is a genuine copy.

2. Capital admits the truth of the statement "That since November 14, 2005, Capital Electric Cooperative has not submitted an application to the City of Bismarck for a franchise or an amendment to its existing franchise to provide electric distribution service within any part of the City of Bismarck."

Dated this 3rd day of February, 2006.

CAPITAL ELECTRIC COOPERATIVE, INC.

By: 
Ordean "Lars" Nygren, General Manager

Dated this 3rd day of February, 2006.

PRINGLE & HERIGSTAD, P.C.

By: Carol K. Larson

Carol K. Larson - #04406

Attorneys for Capital Electric Cooperative, Inc.

Pringle & Herigstad, P.C.

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PO Box 1000

Minot, ND 58702-1000

(701) 852-0381

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 Montana-Dakota Utilities, Inc., a)
 Division of MDU Resources Group,)
 Inc.)
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 and)
)
 The Public Service Commission of)
 North Dakota)
)
 Defendants.)

**AFFIDAVIT OF SERVICE BY
UNITED STATES MAIL**

Docket Number 05-C-2303

STATE OF NORTH DAKOTA)
) ss.
 COUNTY OF WARD)

LaRae A. Thomas, being first duly sworn, deposes and says:

That she is a citizen of the United States of America, of legal age, and is not a party to nor interested in the above entitled action; that on the 3 day of February, 2006, this Affiant served by depositing in the mailing department of the United States Post Office at Minot, North Dakota, a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the following documents in the above entitled action:

- 1. Capital electric Cooperative's Response to Montana-Dakota's Requests for Admissions.**

That said envelopes were addressed to the following person at his known address as follows:

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

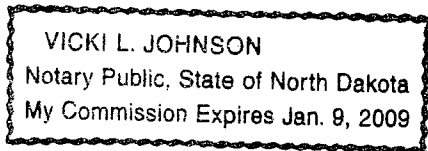
William W. Binek
PUBLIC SERVICE COMMISSION
600 E Boulevard Avenue, Department 408
Bismarck, ND 58505-0480

Randall J. Bakke
Smith Bakke Porsborg & Schweigert
116 North 2nd Street
PO Box 460
Bismarck, ND 58502-0460

That the above provisions were duly mailed in accordance with the provisions of the North Dakota Rules of Civil Procedure.

LaRae A Thomas
LaRae A. Thomas

SUBSCRIBED AND SWORN to before me this 3 day of February, 2006.



Vicki L Johnson
Notary Public
For the State of North Dakota
My Commission expires: _____