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 (1919-2003)

FEB 28 2006

February 28, 2006

**VIA FAX TRANSMITTAL
 (701) 222-6689**

CLERK OF DISTRICT COURT
 BURLEIGH COUNTY COURTHOUSE
 PO BOX 1013
 BISMARCK, ND 58502-1013

**CAPITAL ELECTRIC COOPERATIVE, INC. vs. THE CITY OF BISMARCK, and
 MONTANA-DAKOTA UTILITIES, INC., A DIVISION OF MDU RESOURCES
 GROUP, INC., and THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

DOCKET NUMBER 05-C-2303

Enclosed for filing in connection with the above referenced matter are the following documents:

1. Capital Electric Cooperative's Supplemental Brief on City's Motion to Dismiss;
2. Notice of Hearing; and
3. Affidavit of Service by Mail.

The originals of same will be mailed today to your office via first class mail. If you have any questions on the enclosed, please do not hesitate to contact me.

Yours truly,

Carol K. Larson
 lat

Enclosures

cc w/ encl: Jerome C. Kettleon
 Daniel S. Kuntz
 William W. Binek
 Randall J. Bakke

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.)

**AFFIDAVIT OF SERVICE BY
UNITED STATES MAIL AND FAX**

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 28 day of February, 2006, this Affiant served by fax transmission and 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 Supplemental Brief; and**
2. **Notice of Hearing.**

That said documents were directed to the following fax numbers and that said envelopes were addressed to the following persons at their known address as follows:

Jerome C. Kettleson
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PO Box 400
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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 28 day of February, 2006.

Ruth Headrick
Notary Public
For the State of North Dakota
My Commission expires: 10-25-11

RUTH HEADRICK
Notary Public
State of North Dakota
My Commission Expires Oct. 25, 2011