

Scott, Sandi L.

From: Binek, William W.
Sent: Wednesday, March 01, 2006 1:46 PM
To: Scott, Sandi L.
Subject: FW: continuance

From: Kuntz, Dan [mailto:Dan.Kuntz@MDUResources.com]
Sent: Wednesday, March 01, 2006 11:25 AM
To: 'Carol Larson'; 'Randall Bakke'; Binek, William W.
Cc: 'Jerome C. Kettleston'; Goodin, Dave; Morehouse, Frank
Subject: RE: continuance

Carol,

While I don't want to be difficult, I cannot agree to a continuance if Capital Electric continues to provide electric service in defiance of the City Commission's Order within Boulder Ridge, as well as any other new areas that might be annexed before this issue is decided, particularly in light of the approaching construction season. It was my understanding that the earliest available alternative date for a continued hearing is April 7. I am out of the State on April 7-10. While I will not request a continuance of a hearing on those dates to hear Capital's motion for reconsideration, I would want a continuance for any hearing on those dates to consider substantive issues. Although I understand that our clients have had some recent productive meetings to resolve this matter, there is no assurance those meetings will result in an agreement acceptable to both parties and therefore Montana-Dakota needs to continue to seek prompt enforcement of its rights under the City Commission's decision.

Dan

-----Original Message-----

From: Carol Larson [mailto:cclarson@srt.com]
Sent: Wednesday, March 01, 2006 10:57 AM
To: 'Randall Bakke'; Kuntz, Dan; 'Binek, William W.'
Subject: continuance

Randy, Dan, and Bill:

I am in the process of preparing a motion for continuance. I attempted to call Randy to discuss the same, but his office line was busy, so I thought I would try email to communicate as promptly as possible.

As you are aware by reading the briefs we are not on the same page as to what "issue" is being addressed at the hearing tomorrow. For this reason I am seeking a continuance. I also have two motions pending, which in my view, require a determination, prior to a trial on the merits. It is not my intention to interject confusion into these proceedings, I am trying to obtain clarification of the proceedings to allow this case to move along expeditiously.

Please advise as to whether you will consent to a continuance. It would be my goal to convert the hearing tomorrow to a scheduling conference and obtain clarification going forward. Thank you for your consideration.

Carol