

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Capital Electric Cooperative, Inc.,)

Appellant,)

v)

The City of Bismarck, North Dakota,)

and)

Montana-Dakota Utilities, Inc., a)

Division of MDU Resources Group,)

Inc.,)

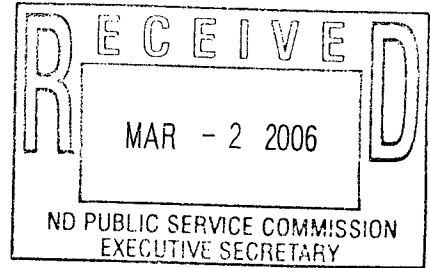
and)

The Public Service Commission of)

North Dakota,)

Appellees.)

.....)



ORDER
Case No. 05-C-2303

Capital Electric Cooperative's Motion for Continuance and for Scheduling Order is DENIED.

1. There is no need to "clarify the procedural matters." The Court made clear in its January 30, 2006 Order what the issue at the March 2 hearing would be. The Court further clarified what the scope of the hearing would be in its letter to Randall Bakke dated February 9, 2006, which letter was copied to counsel.

2. The other pending Motions are set for hearing April 7, 2006.

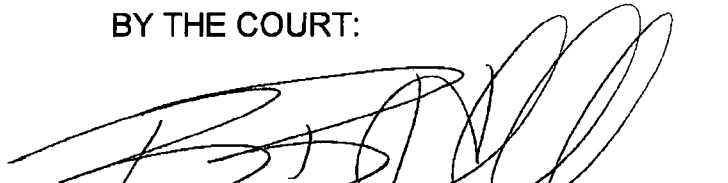
3. Capital Electric Cooperative, Inc. had the same access and right to the record of the proceedings before the Bismarck Board of City Commissioners as did the other parties.

4. No "amendments or additions" to the record of the proceedings will be allowed. The record is what it is, and it is upon the record as it exists that the Court will make its determination.

5. The proceedings before the PSC have no relevance to the proceedings before the City Commission in the context of the issue before the Court.

Dated at Bismarck, North Dakota, this 1st day of March, 2006.

BY THE COURT:



Bruce B. Haskell, District Judge
South Central Judicial District

Carol Larson
Daniel Kuntz
Jerome Kettleson
William Binek
Randall Bakke