

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Capital Electric Cooperative, Inc.,)

CIVIL NO. 05-C-2303

Plaintiff,)

vs.)

The City of Bismarck, North Dakota,)

MOTION TO DISMISS AMENDED
COMPLAINT AND NOTICE OF
APPEAL

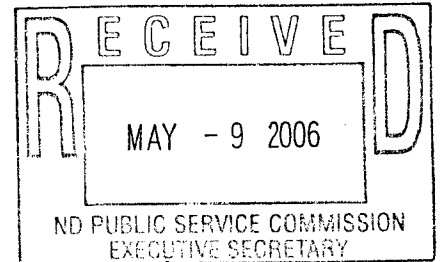
and)

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

Defendant and Counterclaimant)
and)

The Public Service Commission of)
North Dakota,)

Defendants.)



COMES NOW Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc., and for its Motion to Dismiss Amended Complaint and Notice of Appeal, pursuant to Rule 12(b), N.D.R.Civ.P. and Rule 3.2 of the North Dakota Rules of Court, says:

The Amended Complaint and Notice of Appeal filed herein by Capital Electric Cooperative, Inc., should, for the reasons set out in the attached brief, be dismissed in all things.

Dated at Bismarck, North Dakota, this 4 day of May, 2006.

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

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