

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.

NOTICE OF MOTION

The City of Bismarck, North Dakota,

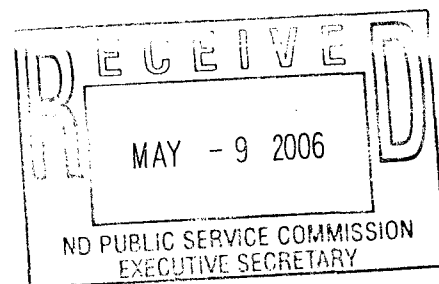
and

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

Defendant and Counterclaimant  
and

The Public Service Commission of  
North Dakota,

Defendants.



TO: PLAINTIFF AND ITS ATTORNEY OF RECORD.

PLEASE TAKE NOTICE that a Motion to Dismiss Amended Complaint and Notice of Appeal, pursuant to Rule 12(b), N.D.R.Civ.P., has been filed with the Court under Rule 3.2 NDROC.

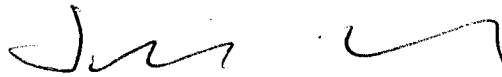
Upon the filing of briefs, or upon the expiration of the time for filing, the motion is deemed submitted and taken under advisement by the Court, unless counsel for any party requests the taking of testimony or oral argument on the motion.

Dated at Bismarck, North Dakota, this 8 day of May, 2006.

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

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