

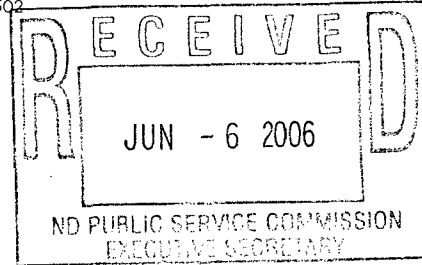


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June 5, 2006



Ms. Debra Simenson
Clerk of the District Court
Burleigh County
P.O. Box 1055
Bismarck, ND 58502-1055

Re: *Capital Electric Cooperative, Inc. v. Montana-Dakota Utilities Co, et al*
Civil No. 05-C-2303

Dear Ms. Simenson:

Please find enclosed proposed Order for Judgment and proposed Judgment in the above-entitled matter.

Thank you for your attention to this matter.

Very truly yours,

PEARCE & DURICK

By

Jerome C. Kettleison
Phone: (701) 333-0104
Email: jck@pearce-durick.com

JCK/ef
Enclosures

cc. (w/encls.) Carol Larson
(w/encls.) Randall J. Bakke
(w/encls.) William W. Binek

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.)

ORDER FOR JUDGMENT

The City of Bismarck, North Dakota,)

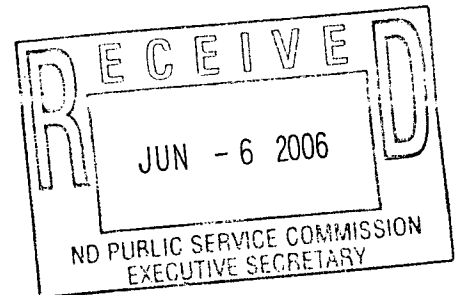
and)

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

Defendant and Counterclaimant)
and)

The Public Service Commission of)
North Dakota,)

Defendants.)



The Court, the Honorable Bruce Haskell presiding, having entered its Order on May 30, 2006 dismissing the Amended Complaint of the plaintiff; the Court having earlier decided all pending issues in Orders dated:

1. March 14, 2006, in which the Court denied plaintiff's Appeal from Findings, Conclusions, Decision and Order issued by the Bismarck Board of City Commissioners on November 14, 2005; in the same Order the Court dismissed the Counterclaim of defendant Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., without prejudice;

2. January 30, 2006 in which the Court ordered that the action brought by plaintiff Capital Electric Cooperative, is not properly brought as a declaratory judgment action.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment be entered in accord with the Court's Orders: that the plaintiff's Appeal from Findings, Conclusions, Decision and Order issued by the Bismarck Board of City Commissioners on November 14, 2005 is denied; that the Counterclaim of defendant Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., is dismissed without prejudice; that the Declaratory Judgment Action brought by the plaintiff is dismissed.

Dated this ____ day of June, 2006.

BY THE COURT

Bruce B. Haskell, District Judge
South Central Judicial District

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.)

JUDGMENT

The City of Bismarck, North Dakota,)

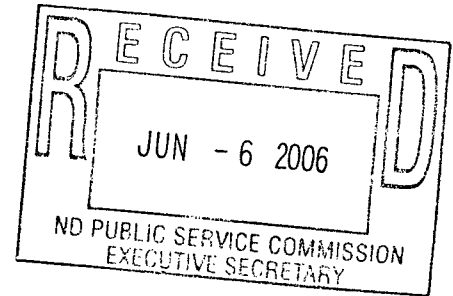
and)

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

Defendant and Counterclaimant)
and)

The Public Service Commission of)
North Dakota,)

Defendants.)



The Court, the Honorable Bruce Haskell presiding, entered its Order on May 30, 2006 dismissing the Amended Complaint of the plaintiff; the Court having earlier decided all pending issues in Orders dated:

1. March 14, 2006, in which the Court denied plaintiff's Appeal from Findings, Conclusions, Decision and Order issued by the Bismarck Board of City Commissioners on November 14, 2005; in the same Order the Court dismissed the Counterclaim of defendant Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., without prejudice;

2. January 30, 2006 in which the Court ordered that the action brought by plaintiff Capital Electric Cooperative, is not properly brought as a declaratory judgment action.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment is entered in accord with the Court's Orders: that the plaintiff's Appeal from Findings, Conclusions, Decision and Order issued by the Bismarck Board of City Commissioners on November 14, 2005 is denied; that the Counterclaim of defendant Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., is dismissed without prejudice; that the Declaratory Judgment Action brought by the plaintiff is dismissed.

Dated this ____ day of June, 2006.

BY THE COURT

Clerk of the District Court