

**Scott, Sandi L.**

**From:** Bendish, Annette M.  
**Sent:** Tuesday, June 13, 2006 7:35 AM  
**To:** Scott, Sandi L.  
**Subject:** FW: call from MDU

Sandi,  
Please docket in 05-551 per Commissioner Wefald's request.

Thank you,

Annette

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**From:** Binek, William W.  
**Sent:** Friday, June 09, 2006 4:13 PM  
**To:** Jeffcoat-Sacco, Illona; Clark, Tony T.  
**Cc:** -Grp-PSC Legal; -Grp-PSC Public Utilities  
**Subject:** RE: call from MDU

Under N.D.C.C. §28-32-48 it appears that a stay from an order of an administrative agency would come from the court to which the appeal is taken.

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**From:** Jeffcoat-Sacco, Illona  
**Sent:** Friday, June 09, 2006 3:42 PM  
**To:** Clark, Tony T.  
**Cc:** -Grp-PSC Legal; -Grp-PSC Public Utilities  
**Subject:** RE: call from MDU

Yes—the meter is outside the city and the development (I guess I am assuming this since they are filing for the PCN). Re the stay—the order is effective immediately and they will need some time to file for and get a stay—they don't want to be in violation of an order for the days/weeks it takes to get a stay granted. One thought I had was that we could just stay the order ourselves—especially if they filed a request for us to do so (and maybe it would be unopposed)— but I haven't had time to pull up the statute.

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**From:** Clark, Tony T.  
**Sent:** Friday, June 09, 2006 2:41 PM  
**To:** Jeffcoat-Sacco, Illona  
**Cc:** -Grp-PSC Legal; -Grp-PSC Public Utilities  
**Subject:** RE: call from MDU

What do they mean by "some time to file for a stay?" Assuming they won't like the order, don't they just for a stay as soon as it is released? Why do they need a PCN? Is the light outside the city?

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**From:** Jeffcoat-Sacco, Illona  
**Sent:** Thursday, June 08, 2006 1:20 PM  
**To:** -Grp-PSC Commissioners  
**Cc:** -Grp-PSC Legal; -Grp-PSC Public Utilities  
**Subject:** call from MDU

MDU called to let us know that they will be filing—probably as soon as this afternoon—an application for a PCN to serve a light for the Boulder Ridge developer's sign. The sign is just inside the development, the meter is just outside the development. They would find it acceptable if their PCN authority is subject to the results of a final non-appealable order on the complaint case. I believe they will ask for temporary authority, too, since the developer wants the light.

On another but related matter, they asked that in drafting the complaint order, the Commission give some consideration to allowing them some time to file for a stay of the order. Based on what they observed at the working session, they plan to immediately ask for a stay of the expected order once it is issued, but don't want to be in violation of the order while they proceed with that stay request.

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