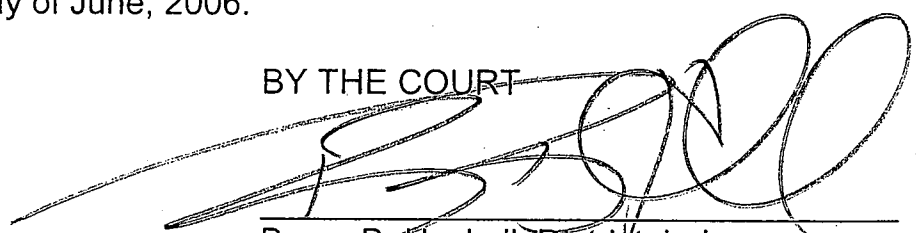

2. January 30, 2006 in which the Court ordered that the action brought by plaintiff Capital Electric Cooperative, is not properly brought as a declaratory judgment action.

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 7 day of June, 2006.

BY THE COURT

A large, stylized handwritten signature in black ink, appearing to read 'B. Haskell', is written over a horizontal line.

Bruce B. Haskell, District Judge
South Central Judicial District