

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

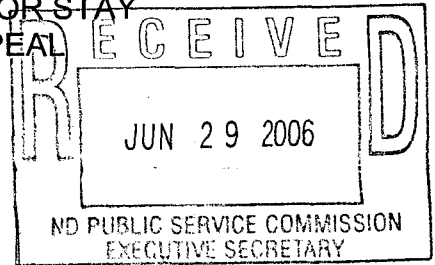
Montana-Dakota Utilities Co., a)
Division of MDU Resources Group, Inc.)

CIVIL NO. 06-C-1177

vs. Appellant,)

SECOND AMENDED NOTICE
OF MOTION FOR STAY
PENDING APPEAL

North Dakota Public Service Commission)
and Capital Electric Cooperative, Inc.)



Appellees)

TO: NORTH DAKOTA PUBLIC SERVICE COMMISSION AND
CAPITAL ELECTRIC COOPERATIVE, INC.

PLEASE TAKE NOTICE that this is Second Amended Notice of Motion for Stay Pending Appeal. Further take notice that the undersigned will bring the attached motion on for hearing before the Court before the Honorable Donald L. Jorgensen, in the Burleigh County Courthouse in the City of Bismarck, North Dakota, at 3:00 p.m., on July 21, 2006, or as soon thereafter as counsel can be heard.

You are required to serve before the date of the hearing all returns and supporting instruments to be used at the hearing.

Dated at Bismarck, North Dakota, this 28-day of June, 2006.

Respectfully submitted,

Montana-Dakota Utilities Co.,
a Division of MDU Resources Group, Inc.
Daniel S. Kuntz (ID# 03490)
Assistant General Counsel
MDU Resources Group, Inc.
1200 West Century Avenue
P.O. Box 5650
Bismarck, ND 58506-5650
(701) 530-1006

Pearce & Durick
Patrick W. Durick (ID# 03141)
Jerome C. Kettleon (ID# 03095)
314 East Thayer Avenue
Bismarck, ND 58502-0400
(701) 223-2890

Jerome C. Kettleon

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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

CIVIL NO. 06 C 1177

Appellant,

vs.

North Dakota Public Service Commission
and Capital Electric Cooperative, Inc.

Appellees

MOTION FOR STAY OF
PUBLIC SERVICE COMMISSION
ORDER PENDING APPEAL

The Public Service Commission ("PSC"), entered its Order on June 22, 2006 in Case No. PU-05-551, styled Capital Electric Cooperative, Inc. vs. Montana-Dakota Utilities, Co. The Order directed Montana-Dakota Utilities Co. ("MDU"), a Division of MDU Resources Group, Inc. to:

1. Within 30 days, cease and desist from providing electric service to Boulder Ridge First Addition to the City of Bismarck and from further extending its electric service in the area; and
2. Offer to sell to Capital, and Capital shall purchase from MDU, at book value, the distribution facilities located in and used by MDU to serve Boulder Ridge First Addition.

MDU, having filed its Notice of Appeal herein, requests that this Court stay the Order of the PSC above pending appeal by MDU of the PSC Order to South Central District Court pursuant to N.D.C.C. §§ 28-32-42 and 28-32-48, for the reasons more fully set forth in the attached brief.

RECEIVED & FILED

JUN 23 2006

Clk. of Crt. Burleigh Co.

Dated at Bismarck, North Dakota, this 23 day of June, 2006.

Respectfully submitted,

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

Daniel S. Kuntz (ID# 03490)
Assistant General Counsel
MDU Resources Group, Inc.
1200 West Century Avenue
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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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

CIVIL NO. 06-C-1177

Appellant,

vs.

AFFIDAVIT OF SERVICE

North Dakota Public Service Commission
and Capital Electric Cooperative, Inc.,

Appellees.

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
) ss.
)

Evelyn Froebe, being first duly sworn on oath, does depose and say: That she is over the age of eighteen years, and not a party to the above-entitled matter;

That on the 28th day of June, 2006, this affiant served a true and correct copy of the following document in the above-captioned action:

- (1) SECOND AMENDED NOTICE OF MOTION FOR STAY PENDING APPEAL

That the copies of the above document were enclosed and secured in an envelope with postage duly prepaid and addressed as follows:

Carol Larson
Pringle & Herigstad, P.C.
2525 Elk Drive
P.O. Box 1000
Minot, ND 58702-1000
Attorney for Capital Electric Cooperative, Inc.

Capital Electric Cooperative, Inc.
c/o Office Manager
4111 State Street
Bismarck, ND 58503

William W. Binek
Special Assistant Attorney General
Public Service Commission
State Capitol
Bismarck, ND 58505-0480
Counsel for The Public Service Commission of North Dakota

Public Service Commission
State Capitol Building
600 E. Boulevard Avenue; Dept. 408
Bismarck, ND 58505-0480

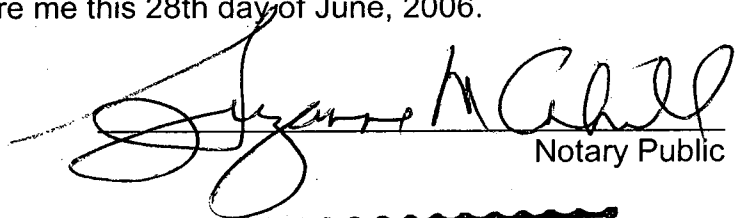
To the best of affiant's knowledge, information and belief, such address as given above was the actual post office address of the parties intended to be so served.

That the above documents were duly served in accordance with the provisions of the North Dakota Rules of Civil Procedure.



Evelyn Froebe

Subscribed and sworn to before me this 28th day of June, 2006.



Notary Public

