

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.

Appellant,

vs.

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

Appellees

PSC Case No. PU-05-551

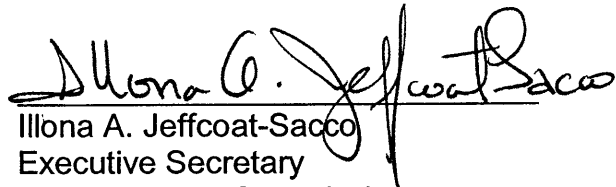
CIVIL NO. 06-C-1177
CERTIFICATE OF RECORD
ON APPEAL

TO: Ms. Debra Simenson
Clerk of District Court
Burleigh County District Court
P. O. Box 1055
Bismarck, ND 58502-0155

I, Illona A. Jeffcoat-Sacco, Executive Secretary, of the North Dakota Public Service Commission (Commission), do hereby certify that the papers and documents marked with an asterisk (" * ") on the attached docket card constitute true and correct photocopies of documents contained in the record of the captioned matter on file in the offices of the Public Service Commission in **Case No. PU-05-551**.

IN WITNESS WHEREOF I have set my hand and affixed the seal of the Public Service Commission of the State of North Dakota.

Dated at Bismarck, North Dakota, July 11, 2006.

A handwritten signature in black ink, reading "Ilona A. Jeffcoat-Sacco". The signature is written in a cursive style with a large, stylized initial "I".

Ilona A. Jeffcoat-Sacco
Executive Secretary
Public Service Commission
State of North Dakota
600 E. Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
701/328-2400

Public Service Commission
Case File / Docket Card Report

7/11/2006

PU-05-551

Capital Electric Cooperative Inc. vs
 Montana-Dakota Utilities Co.
 Complaint
 Filed 09/29/2005 Open

Category Electric
 Closed 00/00/0000

Doc#	Filed		Pages
* 1	9/29/2005	Complaint By Capital Electric Cooperative Inc.	12 W
* 2	10/18/2005	Notice of Hearing By Public Service Commission	1 W
* 3	10/18/2005	Motion for prima facie case & Notice of Hearing By Public Service Commission	1 W
* 4	10/19/2005	Affidavit of Service By Public Service Commission	2 W
* 5	10/19/2005	Request for Administrative Law Judge By Public Service Commission	2 W
* 6	10/19/2005	Letter to parties re court reporter By Public Service Commission	1 W
* 7	10/20/2005	Answer and Counterclaim By Daniel S. Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	7 W
* 8	10/20/2005	Cover letter re Answer and Counterclaim By Daniel S. Kuntz, Senior Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
* 9	10/21/2005	Al Wahl designated ALJ By Office of Administrative Hearings	1 W
* 10	11/10/2005	Reply to Counterclaim and Motion to Dismiss Counterclaim By Carol K. Larson Pringle & Herigstad	3 W
* 11	11/10/2005	Cover letter re: filing By Pringle & Herigstad	1 W
* 12	11/23/2005	Motion to Dismiss or in the Alternative Motion for Continuance By Dan Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	12 W
* 13	11/28/2005	Response to MDU's Motion to Dismiss By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 W
* 14	11/30/2005	Motion for Continuance granted By Public Service Commission	1 W
15	12/1/2005	Copy of Summons and Complaint, and an Admission of Service By Carol K. Larson, Attorney Capital Electric Cooperative Inc.	8 W
* 16	12/6/2005	Reply Motion to Dismiss By Carol Larson, Attorney Capital Electric Cooperative Inc.	7 W
17	12/9/2005	Copy of Demad for Change of Judge (Civil No. 05-C-2303) By Randall J. Bakke, Atty. City of Bismarck	4 W
* 18	12/12/2005	MDU's Reply Brief in Support of Motion to Dismiss By Dan Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	5 W
* 19	12/12/2005	Cover letter re Reply Brief in Support of Motion to Dismiss By Dan Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
* 20	12/14/2005	Response to MDU's Motion to Dismiss By Carol K. Larson, Attorney Capital Electric Cooperative Inc.	3 W
21	12/16/2005	Order - Judge Gail Hagerty assigned to act in this case (Civil No. 05-C-2303) By Burleigh County District Court	1 W

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Complaint
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Doc#	Filed		Pages
22	12/19/2005	Affidavit of Service (Civil No. 05-C-2303) By Public Service Commission	2 W
23	12/19/2005	Answer (Civil No. 05-C-2303) By Public Service Commission	2 W
24	12/19/2005	Cover letter to Clerk of Court (Civil No. 05-C-2303) By Public Service Commission	1 W
*	25	12/19/2005 Response regarding how Comm should proceed with case By Capital Electric Cooperative Inc.	2 W
*	26	12/14/2005 Response regarding how Comm should proceed with case By Dan Kuntz Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
27	12/20/2005	Defendant's Brief in Support of Motion to Dismiss or in the Alternative etc By Randall J. Bakke, Attorney City of Bismarck	28 W
28	12/20/2005	Motion to Dismiss or in the Alternative for a More Definite Statement By Randall J. Bakke, Atty. City of Bismarck	2 W
29	12/20/2005	Notice of Motion (Civil No. 05-C-2303) By City of Bismarck	2 W
30	12/20/2005	Cover letter re filings (Civil No. 05-C-2303) By Randall J. Bakke, Atty. City of Bismarck	1 W
31	12/21/2005	Answer and Counterclaim of MDU (Case No. 05-C-2303) By Jerome C. Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	9 W
32	12/21/2005	Cover letter re Answer and Counterclaim of MDU (Case No. 05-C-2303) By Jerome C. Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
33	12/27/2005	Demand for Change of Judge (Civil No. 05-C-2303) By Carol K. Larson Pringle & Herigstad	3 W
*	34	12/30/2005 Notice of Rescheduled Hearing By Public Service Commission	1 W
*	35	12/30/2005 Motion By Public Service Commission	1 W
*	36	1/3/2006 Affidavit of Service By Public Service Commission	1 W
37	1/3/2006	Order - Judge Bruce B. Haskell assigned to act in this case (Civil No. 05-C-2303) By Burleigh County District Court	1 W
38	1/3/2006	Brief of MDU in Support of Motion to Dismiss (Civil No. 05-C-2303) By Dan Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	8 W
39	1/5/2006	MDU's Requests to Capital Electric Cooperative for Admissions (05-C-2303) By Dan Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	20 W
*	40	1/5/2006 Letter to parties re court reporter services for 2/9/06 Hearing By Bill Binek Public Service Commission	1 W
41	1/9/2006	Response to Motion to Dismiss or for More Definite Statement 05-C-2303 By Carol Larson, Attorney Capital Electric Cooperative Inc.	51 W
*	42	1/13/2006 Request for Commission to make arrangements for court reporter By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 W

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Complaint

Category Electric

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Doc#	Filed		Pages
* 43	1/17/2006	Arrangements made for court reporter for 2/9/06 hearing By Public Service Commission	1 W
44	1/13/2006	Copy of Reply to Counterclaim (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	5 W
45	1/17/2006	Copy of Reply Brief in Support of Motion to Dismiss (Civil No. 05-C-2303) By Randall J Bakke, Attorney City of Bismarck	7 W
46	1/17/2006	Copy of Reply Brief of the defendant MDU (Civil No. 05-C-2303) By Dan Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	8 W
47	1/20/2006	Notice of Hearing (March 2, 2006 @ 4 pm) (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	4 W
48	1/19/2006	Plaintiff's Response to Reply Briefs of City of Bismarck & MDU (05-C-2303) By Capital Electric Cooperative Inc.	8 W
49	1/26/2006	Request for Parties to explain necessity of hearing (Civil Case) By Judge Bruce B Haskell	2 W
50	1/27/2006	MDU's Response to Judge Haskell re need for hearing (Civil Case) By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
51	1/30/2006	Copy of letter to Judge Haskell withdrawing request for hearing (05-C-2303) By Carol Larson, Counsel Capital Electric Cooperative Inc.	1 W
52	1/31/2006	Memorandum Opinion and Order (Civil Case 05-C-2303) By Judge Haskell South Central Judicial District, District Court Administrator	7 W
53	2/1/2006	Copy of Letter to District Judge re Motion for More Definite Statement By Carol Larson, Attorney Capital Electric Cooperative Inc.	2 W
54	2/6/2006	Brief in Support of Plaintiff's Motion for Leave of Court to Amend Complaint By Carol Larson, Attorney Capital Electric Cooperative Inc.	4 W
55	2/6/2006	Amended Complaint and Notice of Appeal (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	13 W
56	2/6/2006	Plaintiff's Motion for Leave of Court to Amend Complaint & Notice of Motion By Carol Larson, Attorney Capital Electric Cooperative Inc.	2 W
57	2/6/2006	Cover letter re Plaintiff's filings (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 W
58	2/6/2006	CEC Response to MDU's Requests for Admissions (05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	5 W
59	2/10/2006	Copy of letter to Judge Haskell re City's position regarding 3/2/06 Hearing By Randall J. Bakke, Attorney City of Bismarck	2 W
60	2/10/2006	Letter re Plaintiff's Amended Complaint and Notice of Appeal/Civil No. 05-C-2303 By Randall J. Bakke, Attorney City of Bismarck	2 W
* 61	2/10/2006	Letter closing ALJ's file By Judge Al Wahl Office of Administrative Hearings	1 W
62	2/21/2006	Letter to parties re record certified to District Court (Civil No. 05-C-2303) By Randall J. Bakke, Attorney City of Bismarck	1 W
63	2/22/2006	Certification of Record on Appeal to District Court (Civil No. 05-C-2303) By Randall J. Bakke, Attorney City of Bismarck	4 W

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Capital Electric Cooperative Inc. vs
Montana-Dakota Utilities Co.
Complaint
Filed 09/29/2005 Open

Category Electric
Closed 00/00/0000

Doc#	Filed		Pages
64	2/22/2006	Copy of letter to District Court re time allowed for 3/2/06 hearing(05-C-2303) By Randall J. Bakke, Attorney City of Bismarck	1 W
65	2/23/2006	Affidavit of Service (Civil Case No. 05-C-2303) By Capital Electric Cooperative Inc.	2 W
66	2/23/2006	Copy of Motion for Reconsideration and Brief (05-C-2303) By Capital Electric Cooperative Inc.	6 W
67	2/23/2006	Notice of Motion (05-C-2303) By Capital Electric Cooperative Inc.	2 W
68	2/23/2006	Cover letter re filings (05-C-2303) By Carol K. Larson, Atty. Capital Electric Cooperative Inc.	1 W
69	2/24/2006	Letter to Captial Electric re written transcript of hearing(05-C-2303) By Randall J Bakkee City of Bismarck	1 W
70	2/28/2006	Brief of Appellee, City of Bismarck (Civil No. 05-C-2303) By City of Bismarck	17 W
71	2/28/2006	Cover letter re Brief of Appellee, City of Bismarck and Certificate of Service By City of Bismarck	2 W
72	2/28/2006	Notice of Hearing (05-C-2303) By Capital Electric Cooperative Inc.	1 W
73	2/28/2006	Supplemental Brief (05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	9 W
74	2/28/2006	Cover letter re Supplemental Brief & Affidavit of Service (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	3 W
75	2/28/2006	Brief of MDU in Response to Plaintiff's Motion for Reconsideration(05-C-2303) By Jerome C. Kettleson Montana-Dakota Utilities Co., a Division of MDU Resource	4 W
76	2/28/2006	MDU's Brief on Appeal (Civil No. 05-C-2303) By Jerome C. Kettleson Montana-Dakota Utilities Co., a Division of MDU Resource	12 W
77	2/28/2006	Cover letter re Brief and Response to Plaintiff's Motion/Affidavit of Service By Jerome C. Kettleson Montana-Dakota Utilities Co., a Division of MDU Resource	3 W
78	3/1/2006	E-mail to parties re proposed motion for continuance (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	1 W
79	3/1/2006	Commission response to Capital Electric re continuance (Civil No. 05-C-2303) By Public Service Commission	1 W
80	3/1/2006	City of Bismarck response to Capital Electric re continuance(Civil No. 05-C-2303) By City of Bismarck	1 W
81	3/1/2006	MDU response to Capital Electric re continuance (Civil No. 05-C-2303) By Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
82	3/1/2006	Brief in Response to Plaintiff's Motion for Continuance (05-C-2303) By Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
83	3/1/2006	Cover letter re Brief and Affidavit of Service (Civil No. 05-C-2303) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	3 W
84	3/1/2006	Proposed Order for Continuance (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	1 W

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PU-05-551

Capital Electric Cooperative Inc. vs
Montana-Dakota Utilities Co.
Complaint
Filed 09/29/2005 Open

Category Electric
Closed 00/00/0000

Doc#	Filed		Pages
85	3/1/2006	Affidavit of Carol K. Larson (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	2 <input checked="" type="checkbox"/>
86	3/1/2006	Plaintiff's Brief in Support of Motion for Continuance (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	6 <input checked="" type="checkbox"/>
87	3/1/2006	Motion of Continuance and for Scheduling Order (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	2 <input checked="" type="checkbox"/>
88	3/1/2006	Cover letter and Affidavit of Service (Civil No. 05-C-2303) By Carol K. Larson Capital Electric Cooperative Inc.	3 <input checked="" type="checkbox"/>
89	3/2/2006	Order (Civil No. 05-C-2303) By Judge Haskell South Central Judicial District, District Court Administrato	1 <input checked="" type="checkbox"/>
90	3/6/2006	Brief in Opposition to Appellant's Motion for Reconsideration (05-C-2303) By Randall J. Bakke, Attorney City of Bismarck	5 <input checked="" type="checkbox"/>
91	3/6/2006	Letter re Brief in Opposition to Appellant's Motion for Reconsideration By Randall J. Bakke, Attorney City of Bismarck	2 <input checked="" type="checkbox"/>
*	92	3/6/2006 Motion and Brief for Hearing on Continuance By Capital Electric Cooperative Inc.	4 <input checked="" type="checkbox"/>
*	93	3/6/2006 Cover letter re Motion and Brief for Hearing on Continuance & Aff. of Service By Capital Electric Cooperative Inc.	3 <input checked="" type="checkbox"/>
*	94	3/6/2006 Staff Memo re Motion by Capital Electric for Hearing on Continuance By Public Service Commission	2 <input checked="" type="checkbox"/>
*	95	2/9/2006 MDU's Request for Admission Exhibit : 1 By Montana-Dakota Utilities Co., a Division of MDU Resource	18 <input checked="" type="checkbox"/>
*	96	2/9/2006 Copy of CEC's Response to MDU's Requests for Admission Exhibit : 2 By Montana-Dakota Utilities Co., a Division of MDU Resource	4 <input checked="" type="checkbox"/>
*	97	2/9/2006 Feb. 8, 2005 letter to Randall Bakke from Dennis Schlenker w/attachments Exhibit : C-1 By Capital Electric Cooperative Inc.	17 <input checked="" type="checkbox"/>
*	98	2/9/2006 Map of City Limits, Service Agree. & CEC Dist Trans Facilities in 1973 Exhibit : C-2 By Capital Electric Cooperative Inc.	1 <input type="checkbox"/>
*	99	2/9/2006 Map of City Limits, Service Agree. & CEC Dist Trans Facilities in 1993 Exhibit : C-3 By Capital Electric Cooperative Inc.	1 <input type="checkbox"/>
*	100	2/9/2006 Map of City Limits, Service Agree. & CEC Dist Trans Facilities in 2005 Exhibit : C-4 By Capital Electric Cooperative Inc.	1 <input type="checkbox"/>
*	101	2/9/2006 Map of CEC Service Area Boulder Ridge Area Exhibit : C-5 By Capital Electric Cooperative Inc.	1 <input type="checkbox"/>
*	102	2/9/2006 CEC Service Area North Bismarck Area Exhibit : C-6 By Capital Electric Cooperative Inc.	1 <input type="checkbox"/>
*	103	2/9/2006 Two Photographs Exhibit : C-7 By Capital Electric Cooperative Inc.	2 <input checked="" type="checkbox"/>
*	104	3/7/2006 Original Transcript of Hearing By Emineth & Associates Court Reporters	0 <input checked="" type="checkbox"/>
*	105	3/7/2006 Disk of Transcript of Hearing By Emineth & Associates Court Reporters	0 <input type="checkbox"/>

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Complaint
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Category Electric
Closed 00/00/0000

Doc#	Filed		Pages
106	3/7/2006	Condenselt version of Transcript of Hearing By Emineth & Associates Court Reporters	54 W
* 107	3/7/2006	Motion suspending briefing schedule established on 2/9/06 By Public Service Commission	1 W
* 108	3/9/2006	Affidavit of Service for Motion suspending briefing schedule By Public Service Commission	1 W
* 109	3/13/2006	Brief on MDU's Motion to Dismiss By Carol Larson, Attorney Capital Electric Cooperative Inc.	41 W
* 110	3/13/2006	Cover letter re Brief and Affidavit of Service By Carol Larson, Attorney Capital Electric Cooperative Inc.	3 W
111	3/13/2006	Copy of CEC Brief sent to Judge Haskell (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 W
* 112	3/13/2006	Notice of Hearing - Hearing set for March 23, 2006 @ 10 a.m. By Public Service Commission	1 W
* 113	3/13/2006	Motion for Notice of Hearing By Public Service Commission	1 W
* 114	3/13/2006	Affidavit of Service By Public Service Commission	2 W
* 115	3/13/2006	Request for Administrative Law Judges for 3/23/06 Hearing By Public Service Commission	3 W
116	3/15/2006	Order on Appeal (Case No 05-C-2303) By Judge Bruce Haskell South Central Judicial District, District Court Administrato	13 W
* 117	3/15/2006	Al Wahl assigned ALJ for 3/23/06 Hearing By Allen Hoberg Office of Administrative Hearings	1 W
* 118	3/16/2006	Affidavit of Service By Public Service Commission	1 W
* 119	3/16/2006	Brief in Support of Continuance By William Binek Public Service Commission	6 W
* 120	3/16/2006	Letter re Brief in Support of Continuance By William Binek Public Service Commission	1 W
* 121	3/20/2006	Affidavit of Service By Carol Larson, Attorney Capital Electric Cooperative Inc.	2 W
* 122	3/20/2006	Complainants' Proposed Findings of Fact, Conclusions of Law and Order By Carol Larson, Attorney Capital Electric Cooperative Inc.	15 W
* 123	3/20/2006	Capital Electric Cooperative's Brief on Complaint Against MDU By Carol Larson, Attorney Capital Electric Cooperative Inc.	14 W
* 124	3/20/2006	Cover letter re Brief and Proposed Findings By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 W
* 125	3/21/2006	Affidavit of Service By Carol Larson Capital Electric Cooperative Inc.	2 W
* 126	3/21/2006	Capital Electric's Supplemental Brief on Comm. Motion for Continuance By Carol Larson Capital Electric Cooperative Inc.	19 W

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Doc#	Filed		Pages
* 127	3/21/2006	Cover letter re Supplemental Brief By Carol Larson Capital Electric Cooperative Inc.	1 W
* 128	3/24/2006	Letter closing ALJ's file following 3/23/06 Hearing By Al Wahl Office of Administrative Hearings	1 W
129	3/28/2006	Letter to Judge Haskell re hearing set for April 7th (Civil No. 05-C-2303) By Randall Bakke, Attorney City of Bismarck	1 W
130	3/29/2006	Letter re April 7, 2006 hearing still on the calendar (Civil No. 05-C-2303) By Judge Haskell South Central Judicial District, District Court Administrator	1 W
* 131	3/31/2006	E-mail confirming briefing schedule reinstated By Public Service Commission	1 W
132	4/5/2006	Letter to court re withdrawal of request for hearing on Mtn for Reconsideration By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 W
* 133	4/10/2006	Letter of Support for Capital Electric By Barb Knutson, Sec. Burleigh County Township Officers Association	1 W
134	4/11/2006	Order Re: Motion for Reconsideration (Civil No. 05-C-2303) By Judge Haskell South Central Judicial District, District Court Administrator	2 W
135	4/18/2006	Affidavit of Service for Answer to Amended Complaint (05-C-2303) By William Binek Public Service Commission	2 W
136	4/18/2006	Answer to Amended Complaint (Civil No. 05-C-2303) By William Binek Public Service Commission	4 W
137	4/18/2006	Cover letter to Clerk re Answer to Amended Complaint (Civil No. 05-C-2303) By Public Service Commission	1 W
* 138	4/11/2006	Transcript of Hearing taken March 23, 2006 By Emineth & Associates Court Reporters	0 W
* 139	4/11/2006	Disk of Transcript of Hearing By Emineth & Associates Court Reporters	0 W
140	4/11/2006	Condensed version of Transcript of Hearing By Emineth & Associates Court Reporters	28 W
* 141	4/12/2006	FAILED - Motion to adopt Order continuing the proceeding indefinitely By Public Service Commission	2 W
142	4/25/2006	Amended Complaint & Notice of Appeal (Civil Case No. 5-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	14 W
* 143	4/27/2006	Affidavit of Service By Dan Kuntz Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
* 144	4/27/2006	Proposed Findings of Fact, Conclusions of Law and Order By Dan Kuntz, Atty. Montana-Dakota Utilities Co., a Division of MDU Resource	9 W
* 145	4/27/2006	Brief in Support of Motion to Dismiss By Dan Kuntz, Atty. Montana-Dakota Utilities Co., a Division of MDU Resource	41 W
* 146	4/27/2006	Cover letter re filing of Brief & Proposed Findings By Dan Kuntz, Atty. Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
147	5/3/2006	Defendant's Answer to Amended Complaint and Notice of Appeal (05-C-2303) By Randall Bakke, Atty. City of Bismarck	8 W

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Capital Electric Cooperative Inc. vs
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Doc#	Filed		Pages
148	5/3/2006	Letter & Cert of Service for City's Answer to Amend Complaint & Notice of Appeal By Randall Bakke, Atty. City of Bismarck	2 W
149	5/9/2006	Affidavit of Service (Civil No. 05-C-2303) By Jerome C. Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
150	5/9/2006	Brief in Support of Motion to Dismiss Amended Complaint & Notice of Appeal By Jerome C. Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	4 W
151	5/9/2006	Motion to Dismiss Amended Complaint & Notice of Appeal (Civil No. 05-C-2303) By Jerome C. Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
152	5/9/2006	Notice of Motion (Civil No. 05-C-2303) By Jerome C. Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
153	5/9/2006	Cover letter to Clerk of Court re MDU filings (05-C-2303) By Jerome C. Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
*	154	5/11/2006 Affidavit of Service By Capital Electric Cooperative Inc.	2 W
*	155	5/11/2006 Reply Brief on MDU's Motion to Dimiss & Proposed Findings of Fact etc. By Carol Larson, Atty. Capital Electric Cooperative Inc.	14 W
*	156	5/11/2006 Ltr re Reply Brief to MDU's Motion to Dismiss/Proposed Findings of Fact etc By Carol Larson, Atty. Capital Electric Cooperative Inc.	1 W
157	5/12/2006	City's Joinder in MDU's Motion to Dismiss Plaintiff's Amended Complaint & NOA By Randall Bakke City of Bismarck	4 W
158	5/22/2006	Plaintiff's Brief on MDU's Motion for Dismissal of Amended Complaint (Civil) By Capital Electric Cooperative Inc.	5 W
*	159	5/25/2006 Staff Memorandum for 5/26/06 Work Session By Public Service Commission	2 W
160	6/1/2006	Order on MDU's Motion for Dismissal of Amended Complaint (Civil No. 05-C-2303) By Judge Haskell, District Judge South Central Judicial District, District Court Administrato	1 W
161	6/6/2006	Proposed Order for Judgment & proposed Judgment (Civil No. 05-C-2303) By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	5 W
*	162	6/13/2006 Staff e-mail concerning MDU call By Public Service Commission	3 W
163	6/13/2006	Affidavit of Service (Civil No. 05-C-2303) By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
164	6/13/2006	Order for Judgment signed by Judge Haskell (Civil No. 05-C-2303) By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
165	6/13/2006	Notice of Entry of Judgment (Civil No. 05-C-2303) By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	4 W
166	6/13/2006	Cover letter re Notice of Entry of Judgment (Civil No. 05-C-2303) By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
*	167	4/18/2006 Ltr to parties re failed motion/order inadvertently mailed out (Out of Sequence) By Public Service Commission	1 W
*	168	6/22/2006 Findings of Fact, Conclusions of Law and Order By Public Service Commission	14 W

Public Service Commission
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Doc#	Filed		Pages
* 169	6/22/2006	Motion for Findings of Fact, Conclusions of Law and Order By Public Service Commission	1 W
* 170	6/23/2006	Affidavit of Service By Public Service Commission	2 W
171	6/23/2006	Brief in Support of Motion for Stay of PSC Order Pending Appeal By Montana-Dakota Utilities Co., a Division of MDU Resource	10 W
172	6/23/2006	Motion for Stay of PSC Order Pending Appeal By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 W
173	6/23/2006	Notice of Motion for Stay Pending Appeal (Civil No. 06C1177) By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
174	6/23/2006	Undertaking on Appeal to District Court By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 W
175	6/23/2006	Notice of Appeal and Specifications of Error By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	6 W
* 176	6/22/2006	FAILED - Motion for adopting Order granting Motion to Dismiss (out of sequence) By Public Service Commission	1 W
177	6/26/2006	Amended Notice of Motion for Stay Pending Appeal (Civil No. 06-C-1177) By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	3 W
178	6/27/2006	Notice to Appellants of Estimated Costs and Affidavit of Mailing By William Binek, Chief Counsel Public Service Commission	14 W
179	6/27/2006	Response to Motion for Stay Pending Appeal and Affidavit of Service By William Binek Public Service Commission	4 W
180	6/29/2006	Second Amended Notice of Motion for Stay Pending Appeal By Jerome C Kettleon, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	5 W
181	7/11/2006	\$124.10 received for estimated cost for preparation fo Record on Appeal By Dan Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 W

Total Pages: 875
Certified Pages: 342

ACKNOWLEDGMENT OF FILING

Receipt of the foregoing described copies of documents on file in the Public Service Commission in **Civil No. 06-C-1177 (PSC Case No. PU-05-551)** is hereby acknowledged at Bismarck, North Dakota this _____, day of July 2006.

**Clerk of District Court
Burleigh County**