



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

Executive Secretary  
Illona A. Jeffcoat-Sacco

July 11, 2006

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.psc.state.nd.us](http://www.psc.state.nd.us)  
e-mail: [ndpsc@state.nd.us](mailto:ndpsc@state.nd.us)  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

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

Re: **Civil No. 06-C-1177**  
**Montana-Dakota Utilities Co., a**  
**Division of MDU Resources Group, Inc.**  
**vs. North Dakota Public Service Commission**  
**and Capital Electric Cooperative, Inc.**  
**PSC Case No. PU-05-551**

Dear Ms. Simenson:

Enclosed for filing in the captioned case please find the originals of the **Notice to Appellants of Actual Costs, Affidavit of Mailing and the Certificate of Record on Appeal.**

I am also enclosing an Acknowledgment of Filing and a stamped self-addressed envelope for your convenience.

If you have any questions, please call. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Binek".

William W. Binek  
Special Assistant Attorney General  
Counsel for Public Service Commission

WWB/sls

Enclosure

C: Daniel S. Kuntz  
Jerome C. Kettleison  
Carol K. Larson



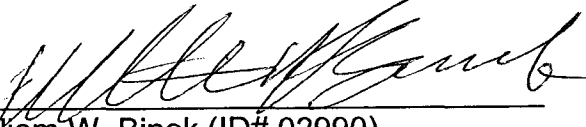
Service Commission the amount estimated. If the actual costs are more than the estimated costs, the appellants must pay the difference. If the actual costs are less than the estimated costs, the Public Service Commission will refund the difference.

**PLEASE TAKE NOTICE** that the total actual costs for preparing and filing the record in the captioned matter are as set forth below:

Copies	\$16.50
Compilation Time	\$107.60
Total Actual Costs	\$124.10
Costs Paid by Appellants	<u>\$124.10</u>
Total Due from Appellants	\$0

Dated this **11th** day of **July 2006**.

Respectfully Submitted,  
North Dakota Public Service Commission

By:   
William W. Binek (ID# 02990)  
Special Assistant Attorney General  
Counsel for Public Service Commission  
600 E. Boulevard Avenue, Dept 408  
Bismarck, ND 58505  
(701) 328-4088



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

A handwritten signature in black ink, reading "Iliona A. Jeffcoat-Sacco". The signature is written in a cursive style with a large initial "I" and a long, sweeping underline.

Iliona 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**

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 <u>W</u>
* 2	10/18/2005	Notice of Hearing By Public Service Commission	1 <u>W</u>
* 3	10/18/2005	Motion for prima facie case & Notice of Hearing By Public Service Commission	1 <u>W</u>
* 4	10/19/2005	Affidavit of Service By Public Service Commission	2 <u>W</u>
* 5	10/19/2005	Request for Administrative Law Judge By Public Service Commission	2 <u>W</u>
* 6	10/19/2005	Letter to parties re court reporter By Public Service Commission	1 <u>W</u>
* 7	10/20/2005	Answer and Counterclaim By Daniel S. Kuntz, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	7 <u>W</u>
* 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 <u>W</u>
* 9	10/21/2005	Al Wahl designated ALJ By Office of Administrative Hearings	1 <u>W</u>
* 10	11/10/2005	Reply to Counterclaim and Motion to Dismiss Counterclaim By Carol K. Larson Pringle & Herigstad	3 <u>W</u>
* 11	11/10/2005	Cover letter re: filing By Pringle & Herigstad	1 <u>W</u>
* 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 <u>W</u>
* 13	11/28/2005	Response to MDU's Motion to Dismiss By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 <u>W</u>
* 14	11/30/2005	Motion for Continuance granted By Public Service Commission	1 <u>W</u>
15	12/1/2005	Copy of Summons and Complaint, and an Admission of Service By Carol K. Larson, Attorney Capital Electric Cooperative Inc.	8 <u>W</u>
* 16	12/6/2005	Reply Motion to Dismiss By Carol Larson, Attorney Capital Electric Cooperative Inc.	7 <u>W</u>
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 <u>W</u>
* 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 <u>W</u>
* 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 <u>W</u>
* 20	12/14/2005	Response to MDU's Motion to Dismiss By Carol K. Larson, Attorney Capital Electric Cooperative Inc.	3 <u>W</u>
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 <u>W</u>

**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	
22	12/19/2005	Affidavit of Service (Civil No. 05-C-2303) By Public Service Commission	2 <a href="#">W</a>	
23	12/19/2005	Answer (Civil No. 05-C-2303) By Public Service Commission	2 <a href="#">W</a>	
24	12/19/2005	Cover letter to Clerk of Court (Civil No. 05-C-2303) By Public Service Commission	1 <a href="#">W</a>	
*	25	12/19/2005	Response regarding how Comm should proceed with case By Capital Electric Cooperative Inc.	2 <a href="#">W</a>
*	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 <a href="#">W</a>
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 <a href="#">W</a>	
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 <a href="#">W</a>	
29	12/20/2005	Notice of Motion (Civil No. 05-C-2303) By City of Bismarck	2 <a href="#">W</a>	
30	12/20/2005	Cover letter re filings (Civil No. 05-C-2303) By Randall J. Bakke, Atty. City of Bismarck	1 <a href="#">W</a>	
31	12/21/2005	Answer and Counterclaim of MDU (Case No. 05-C-2303) By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	9 <a href="#">W</a>	
32	12/21/2005	Cover letter re Answer and Counterclaim of MDU (Case No. 05-C-2303) By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 <a href="#">W</a>	
33	12/27/2005	Demand for Change of Judge (Civil No. 05-C-2303) By Carol K. Larson Pringle & Herigstad	3 <a href="#">W</a>	
*	34	12/30/2005	Notice of Rescheduled Hearing By Public Service Commission	1 <a href="#">W</a>
*	35	12/30/2005	Motion By Public Service Commission	1 <a href="#">W</a>
*	36	1/3/2006	Affidavit of Service By Public Service Commission	1 <a href="#">W</a>
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 <a href="#">W</a>	
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 <a href="#">W</a>	
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 <a href="#">W</a>	
*	40	1/5/2006	Letter to parties re court reporter services for 2/9/06 Hearing By Bill Binek Public Service Commission	1 <a href="#">W</a>
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 <a href="#">W</a>	
*	42	1/13/2006	Request for Commission to make arrangements for court reporter By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 <a href="#">W</a>

**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
* 43	1/17/2006	Arrangements made for court reporter for 2/9/06 hearing By Public Service Commission	1 <a href="#">W</a>
44	1/13/2006	Copy of Reply to Counterclaim (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	5 <a href="#">W</a>
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 <a href="#">W</a>
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 <a href="#">W</a>
47	1/20/2006	Notice of Hearing (March 2, 2006 @ 4 pm) (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	4 <a href="#">W</a>
48	1/19/2006	Plaintiff's Response to Reply Briefs of City of Bismarck & MDU (05-C-2303) By Capital Electric Cooperative Inc.	8 <a href="#">W</a>
49	1/26/2006	Request for Parties to explain necessity of hearing (Civil Case) By Judge Bruce B Haskell	2 <a href="#">W</a>
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 <a href="#">W</a>
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 <a href="#">W</a>
52	1/31/2006	Memorandum Opinion and Order (Civil Case 05-C-2303) By Judge Haskell South Central Judicial District, District Court Administrator	7 <a href="#">W</a>
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 <a href="#">W</a>
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 <a href="#">W</a>
55	2/6/2006	Amended Complaint and Notice of Appeal (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	13 <a href="#">W</a>
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 <a href="#">W</a>
57	2/6/2006	Cover letter re Plaintiff's filings (Civil No. 05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	1 <a href="#">W</a>
58	2/6/2006	CEC Response to MDU's Requests for Admissions (05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	5 <a href="#">W</a>
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 <a href="#">W</a>
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 <a href="#">W</a>
* 61	2/10/2006	Letter closing ALJ's file By Judge Al Wahl Office of Administrative Hearings	1 <a href="#">W</a>
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 <a href="#">W</a>
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 <a href="#">W</a>

**Public Service Commission**  
**Case File / Docket Card Report**

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
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 
65	2/23/2006	Affidavit of Service (Civil Case No. 05-C-2303) By Capital Electric Cooperative Inc.	2 
66	2/23/2006	Copy of Motion for Reconsideration and Brief (05-C-2303) By Capital Electric Cooperative Inc.	6 
67	2/23/2006	Notice of Motion (05-C-2303) By Capital Electric Cooperative Inc.	2 
68	2/23/2006	Cover letter re filings (05-C-2303) By Carol K. Larson, Atty. Capital Electric Cooperative Inc.	1 
69	2/24/2006	Letter to Captial Electric re written transcript of hearing(05-C-2303) By Randall J Bakkee City of Bismarck	1 
70	2/28/2006	Brief of Appellee, City of Bismarck (Civil No. 05-C-2303) By City of Bismarck	17 
71	2/28/2006	Cover letter re Brief of Appellee, City of Bismarck and Certificate of Service By City of Bismarck	2 
72	2/28/2006	Notice of Hearing (05-C-2303) By Capital Electric Cooperative Inc.	1 
73	2/28/2006	Supplemental Brief (05-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	9 
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 
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 
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 
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 
78	3/1/2006	E-mail to parties re proposed motion for continuance (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	1 
79	3/1/2006	Commission response to Capital Electric re continuance (Civil No. 05-C-2303) By Public Service Commission	1 
80	3/1/2006	City of Bismarck response to Capital Electric re continuance(Civil No. 05-C-2303) By City of Bismarck	1 
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 
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 
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 
84	3/1/2006	Proposed Order for Continuance (Civil No. 05-C-2303) By Capital Electric Cooperative Inc.	1 

**Public Service Commission**  
**Case File / Docket Card Report**

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"/>

**Public Service Commission**  
**Case File / Docket Card Report**

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

**Public Service Commission**  
**Case File / Docket Card Report**

PU-05-551

Capital Electric Cooperative Inc. vs  
 Montana-Dakota Utilities Co.

Complaint

Category Electric

Filed 09/29/2005 Open

Closed 00/00/0000

Doc#	Filed		Pages
* 127	3/21/2006	Cover letter re Supplemental Brief By Carol Larson Capital Electric Cooperative Inc.	1 <a href="#">W</a>
* 128	3/24/2006	Letter closing ALJ's file following 3/23/06 Hearing By AI Wahl Office of Administrative Hearings	1 <a href="#">W</a>
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 <a href="#">W</a>
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 <a href="#">W</a>
* 131	3/31/2006	E-mail confirming briefing schedule reinstated By Public Service Commission	1 <a href="#">W</a>
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 <a href="#">W</a>
* 133	4/10/2006	Letter of Support for Capital Electric By Barb Knutson, Sec. Burleigh County Township Officers Association	1 <a href="#">W</a>
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 <a href="#">W</a>
135	4/18/2006	Affidavit of Service for Answer to Amended Complaint (05-C-2303) By William Binek Public Service Commission	2 <a href="#">W</a>
136	4/18/2006	Answer to Amended Complaint (Civil No. 05-C-2303) By William Binek Public Service Commission	4 <a href="#">W</a>
137	4/18/2006	Cover letter to Clerk re Answer to Amended Complaint (Civil No. 05-C-2303) By Public Service Commission	1 <a href="#">W</a>
* 138	4/11/2006	Transcript of Hearing taken March 23, 2006 By Emineth & Associates Court Reporters	0 <a href="#">W</a>
* 139	4/11/2006	Disk of Transcript of Hearing By Emineth & Associates Court Reporters	0 <input type="checkbox"/>
140	4/11/2006	Condensed version of Transcript of Hearing By Emineth & Associates Court Reporters	28 <a href="#">W</a>
* 141	4/12/2006	FAILED - Motion to adopt Order continuing the proceeding indefinitely By Public Service Commission	2 <a href="#">W</a>
142	4/25/2006	Amended Complaint & Notice of Appeal (Civil Case No. 5-C-2303) By Carol Larson, Attorney Capital Electric Cooperative Inc.	14 <a href="#">W</a>
* 143	4/27/2006	Affidavit of Service By Dan Kuntz Montana-Dakota Utilities Co., a Division of MDU Resource	1 <a href="#">W</a>
* 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 <a href="#">W</a>
* 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 <a href="#">W</a>
* 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 <a href="#">W</a>
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 <a href="#">W</a>

**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**

**CatagoryElectric**  
**Closed 00/00/0000**

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 <a href="#">W</a>
149	5/9/2006	Affidavit of Service (Civil No. 05-C-2303) By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 <a href="#">W</a>
150	5/9/2006	Brief in Support of Motion to Dismiss Amended Complaint & Notice of Appeal By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	4 <a href="#">W</a>
151	5/9/2006	Motion to Dismiss Amended Complaint & Notice of Appeal (Civil No. 05-C-2303) By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 <a href="#">W</a>
152	5/9/2006	Notice of Motion (Civil No. 05-C-2303) By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 <a href="#">W</a>
153	5/9/2006	Cover letter to Clerk of Court re MDU filings (05-C-2303) By Jerome C. Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 <a href="#">W</a>
* 154	5/11/2006	Affidavit of Service By Capital Electric Cooperative Inc.	2 <a href="#">W</a>
* 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 <a href="#">W</a>
* 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 <a href="#">W</a>
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 <a href="#">W</a>
158	5/22/2006	Plaintiff's Brief on MDU's Motion for Dismissal of Amended Complaint (Civil) By Capital Electric Cooperative Inc.	5 <a href="#">W</a>
* 159	5/25/2006	Staff Memorandum for 5/26/06 Work Session By Public Service Commission	2 <a href="#">W</a>
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 <a href="#">W</a>
161	6/6/2006	Proposed Order for Judgment & proposed Judgment (Civil No. 05-C-2303) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	5 <a href="#">W</a>
* 162	6/13/2006	Staff e-mail concerning MDU call By Public Service Commission	3 <a href="#">W</a>
163	6/13/2006	Affidavit of Service (Civil No. 05-C-2303) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 <a href="#">W</a>
164	6/13/2006	Order for Judgment signed by Judge Haskell (Civil No. 05-C-2303) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 <a href="#">W</a>
165	6/13/2006	Notice of Entry of Judgment (Civil No. 05-C-2303) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	4 <a href="#">W</a>
166	6/13/2006	Cover letter re Notice of Entry of Judgment (Civil No. 05-C-2303) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 <a href="#">W</a>
* 167	4/18/2006	Ltr to parties re failed motion/order inadvertently mailed out (Out of Sequence) By Public Service Commission	1 <a href="#">W</a>
* 168	6/22/2006	Findings of Fact, Conclusions of Law and Order By Public Service Commission	14 <a href="#">W</a>

**Public Service Commission**  
**Case File / Docket Card Report**

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
* 169	6/22/2006	Motion for Findings of Fact, Conclusions of Law and Order By Public Service Commission	1 <a href="#">W</a>
* 170	6/23/2006	Affidavit of Service By Public Service Commission	2 <a href="#">W</a>
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 <a href="#">W</a>
172	6/23/2006	Motion for Stay of PSC Order Pending Appeal By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	2 <a href="#">W</a>
173	6/23/2006	Notice of Motion for Stay Pending Appeal (Civil No. 06C1177) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 <a href="#">W</a>
174	6/23/2006	Undertaking on Appeal to District Court By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	1 <a href="#">W</a>
175	6/23/2006	Notice of Appeal and Specifications of Error By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	6 <a href="#">W</a>
* 176	6/22/2006	FAILED - Motion for adopting Order granting Motion to Dismiss (out of sequence) By Public Service Commission	1 <a href="#">W</a>
177	6/26/2006	Amended Notice of Motion for Stay Pending Appeal (Civil No. 06-C-1177) By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	3 <a href="#">W</a>
178	6/27/2006	Notice to Appellants of Estimated Costs and Affidavit of Mailing By William Binek, Chief Counsel Public Service Commission	14 <a href="#">W</a>
179	6/27/2006	Response to Motion for Stay Pending Appeal and Affidavit of Service By William Binek Public Service Commission	4 <a href="#">W</a>
180	6/29/2006	Second Amended Notice of Motion for Stay Pending Appeal By Jerome C Kettleson, Attorney Montana-Dakota Utilities Co., a Division of MDU Resource	5 <a href="#">W</a>
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 <a href="#">W</a>

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.

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**Clerk of District Court  
Burleigh County**




Mr. Daniel S. Kuntz  
MDU Resources Group, Inc.  
P. O. Box 5650  
Bismarck, ND 58502-5650

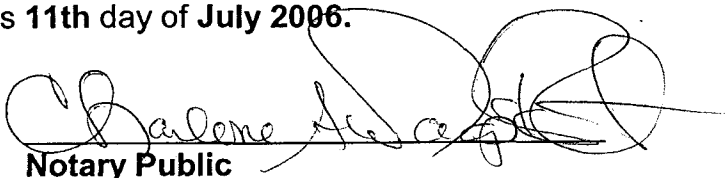
Mr. Jerome C. Kettleison  
Pearce & Durick  
P. O. Box 400  
Bismarck, ND 58502-0400

Ms. Carol K. Larson  
Pringle & Hergistad PC  
P. O. Box 1000  
Minot, ND 58702-1000

Each address shown is the respective addressee's last reasonably ascertainable post office address.

  
\_\_\_\_\_

Subscribed and sworn to before me this 11th day of July 2006.

  
\_\_\_\_\_

Notary Public

SEAL

