

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.)

The Public Service Commission of)
North Dakota)

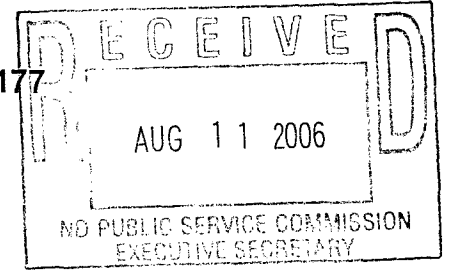
and)

Capital Electric Cooperative, Inc.)

Appellees.)

**NOTICE OF MOTION
TO DISMISS**

Case No. 06-C-1177



TO: Montana-Dakota Utilities Co., a Division of MDU Resources Group, by and through their attorney, Jerome C. Kettleson; and North Dakota Public Service Commission, by and through their attorney, William W. Binek.

YOU WILL PLEASE TAKE NOTICE that the attached Motion and Brief in Support of Motion to Dismiss is being made to the Court pursuant to the provisions of Rule 3.2 of the North Dakota Rules of Court. You are further advised that you have 10 days after service of this Motion and Brief in which to file an answer brief and other supporting papers. Upon the filing of briefs, or upon expiration of the time for filing, the Motion is deemed submitted to the Court unless counsel requests oral argument on the Motion.

Dated this 10 day of August, 2006.

PRINGLE & HERIGSTAD, P.C.

By: Carol K. Larson

Carol K. Larson - #04406
Attorneys for Capital Electric Cooperative, Inc.
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702-1000
(701) 852-0381