

Supreme Court of North Dakota

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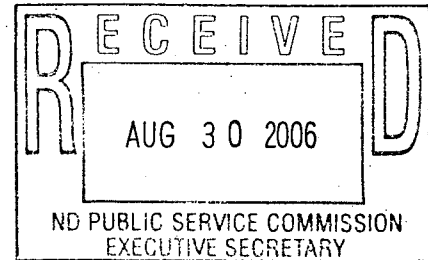
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August 29, 2006

Ms. Carol K. Larson
Attorney at Law
Pringle & Herigstad, P.C.
P.O. Box 1000
Minot, ND 58702-1000



RE: Capital Electric Coop., Inc. v. City of Bismarck, et al.
Supreme Court No. 20060199
Burleigh Co. No. 05-C-02303

This will acknowledge receipt of Clerk's Supplemental Certificate of Record on Appeal dated August 25, 2006, with entries 94 (Transcript of City Commission Meetings dated September 13, 2005, October 11, 2005, and November 14, 2005), and entries 95 through 96. This was filed in my office August 28, 2006.

It appears that entry 94 is the transcript ordered by the Appellant in its Order for Transcript dated July 11, 2006; however, the transcript was not served and filed in compliance with the rules. Therefore, the time for filing the Appellant's Brief will be 40 days from the filing of the March 2, 2006, transcript. **According to my calculation, the 40-day period expires October 3, 2006.**

Additionally, I am requesting you to see that Rule 10(c), N.D.R.App.P., is complied with no later than Tuesday, September 5, 2006, by providing an electronic copy of the Transcript of City Commission Meetings dated September 13, 2005, October 11, 2005, and November 14, 2005 on diskette or by email to supclerkofcourt@ndcourts.com. Rule 10(c) provides that a 3.5 inch computer diskette of the transcript must be filed with, or the transcript must be electronically transmitted to, the supreme court clerk. All electronic transcripts must contain in a single file all the information contained in the paper transcript, including the cover, table of contents, and certifications, in the same order as in the paper transcript.

This will also acknowledge receipt of Clerk's Second Supplemental Certificate of Record on Appeal dated August 25, 2006, with entries 41 (record of administrative proceeding) and 97 through 98 attached. This was filed in my office August 28, 2006.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Penny Miller", written over a circular stamp.

Penny Miller, Clerk
North Dakota Supreme Court

PM:cmb

pc: Mr. Jerome C. Kettleon
Mr. Daniel S. Kuntz
Mr. Randall J. Bakke
Mr. William W. Binek
Ms. Debra Simenson, Clerk of District Court