



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Illona A. Jeffcoat-Sacco

November 2, 2006

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Ms. Penney Miller, Clerk
North Dakota Supreme Court
600 East Boulevard Avenue, Dept. 180
Bismarck, ND 58505-0530

Re: Supreme Court No. 20060270
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. Miller:

Enclosed for filing in the captioned matter are the original and seven copies of the following:

1. APPELLEE NORTH DAKOTA PUBLIC SERVICE COMMISSION'S RESPONSE TO MOTION FOR STAY UPON APPEAL OF JUDGMENT AFFIRMING ADMINISTRATIVE DECISION.

Also enclosed is our Affidavit of Service.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

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

WWB/sls
Enclosure

cc: Daniel S. Kuntz
Jerome C. Kettleson
Carol K. Larson

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

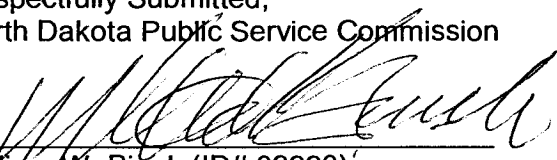
Montana-Dakota Utilities co., a	)	Supreme Court No. 20060270
Division of MDU Resources Group, Inc.	)	Burleigh Co. No. 06-C-1177
	)	PSC No. PU-05-551
Appellant,)	
)	
vs.	)	APPELLEE NORTH DAKOTA
	)	PUBLIC SERVICE COMMISSION'S
North Dakota Public Service Commission and	)	RESPONSE TO MOTION FOR STAY
Capital Electric Cooperative, Inc.	)	UPON APPEAL OF JUDGMENT
	)	AFFIRMING ADMINISTRATIVE
Appellees.	)	DECISION
)	

On October 9, 2006, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. ("MDU") filed its appeal to North Dakota Supreme Court from the Judgment of the District Court for Burleigh County, South Central Judicial District, entered on October 9, 2006 affirming the Decision of the Public Service Commission issued June 22, 2006. On October 30, 2006, MDU filed a Motion for Stay Upon Appeal of Judgment Affirming Administrative Decision.

The Public Service Commission does not oppose MDU's Motion for Stay.

Dated this 2nd day of November, 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

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Montana-Dakota Utilities co., a	)	Supreme Court No. 20060270
Division of MDU Resources Group, Inc.	)	Burleigh Co. No. 06-C-1177
	)	PSC No. PU-05-551
Appellant,)	
)	
vs.)	
)	
North Dakota Public Service Commission and)	
Capital Electric Cooperative, Inc.)	
)	
Appellees.)	

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Sandra L. Scott, being first duly sworn on oath, does depose and say: That she is over the age of eighteen years, and not part to the above-entitled matter;

That on the 2nd day of November, 2006, this affiant served a true and correct copy of the foregoing documents in the above-captioned action:

1. APPELLEE NORTH DAKOTA PUBLIC SERVICE COMMISSION'S RESPONSE TO MOTION FOR STAY UPON APPEAL OF JUDGMENT AFFIRMING ADMINISTRATIVE DECISION;
2. AFFIDAVIT OF SERVICE.

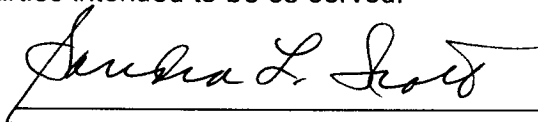
That the copies of the above documents were enclosed and secured in an envelope with postage duly prepaid and addressed as follows:

Mr. Daniel S. Kuntz
MDU Resources Group, Inc.
P. O. Box 5650
Bismarck, ND 58502-5650
Attorney for Montana-Dakota Utilities Co

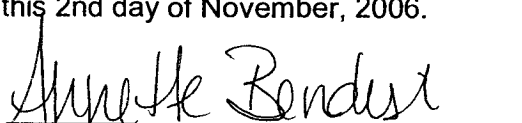
Mr. Jerome C. Kettleon
Pearce & Durick
P. O. Box 400
Bismarck, ND 58502-0400
Attorney for Montana-Dakota Utilities Co.

Ms. Carol K. Larson
Pringle & Hergistad PC
P. O. Box 1000
Minot, ND 58702-1000
Attorney for Capital Electric Cooperative, Inc.

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.



Subscribed and sworn to before me this 2nd day of November, 2006.



Notary Public

