

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

ORDER FOR STAY

Supreme Court No. 20060270  
Burleigh Co. No. 06-C-1177

Montana-Dakota Utilities Co.,  
a division of MDU Resources Group, Inc.,

Plaintiff and Appellant

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

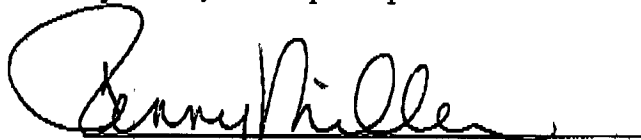
Defendants and Appellees

On October 30, 2006, a Notice of Motion for Stay Upon Appeal of Judgment Affirming Administrative Decision, Motion for Stay and Brief in Support with Attachments, and proposed supersedeas bond, were filed on behalf of Montana-Dakota Utilities Co. (MDU), the Appellant in this matter. Appellee North Dakota Public Service Commission's Response to Motion for Stay indicating it did not oppose MDU's Motion was filed November 2, 2006. Appellee Capital Electric Cooperative's Brief Opposing Appellant's Motion for Stay Pending Appeal was filed November 6, 2006. Subsequently, on November 7, 2006, MDU's Reply Brief in Support of its Motion for Stay was filed. The Court considered the matter, and

ORDERED, because it appears we have conflicting orders both of which cannot be complied with, we grant a stay of the October 20, 2006, judgment of the district court affirming the Order of the Public Service Commission dated June 22, 2006, until the appeals in this matter and Supreme Court No. 20060199, *Capital Electric Coop., Inc. v. City of Bismarck, et al.*, (Burleigh County No. 05-C-02303), are decided.

IT IS FURTHER ORDERED, that this matter and Supreme Court No. 20060199 are consolidated, and the Clerk of the Supreme Court is directed to set an expedited briefing schedule in this appeal to ensure these consolidated matters are argued in January 2007.

The Supreme Court of the State of North Dakota convened this 8th day of November, 2006, with the Honorable Dale V. Sandstrom, the Honorable Carol Ronning Kapsner, the Honorable Daniel J. Crothers, Justices, directing the Clerk of the Supreme Court to enter the above order. The Honorable Gerald W. VandeWalle, Chief Justice, being disqualified, and the Honorable Mary Muehlen Maring, being unavoidably absent, did not participate in this action.



Penny Miller  
Clerk  
North Dakota Supreme Court