

Supreme Court of North Dakota

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December 4, 2006

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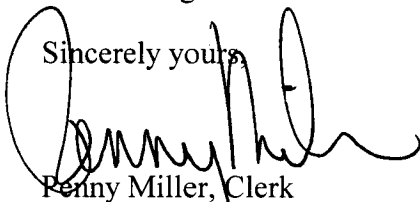
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State Capitol
Bismarck ND 58505-0480

RE: *Montana-Dakota Utilities v. ND Public Service Commission, et al.*
Supreme Court No. 20060270 (Burleigh Co. No. 06-C-01177)
Capital Electric Coop., Inc., v. City of Bismarck, et al.
Supreme Court No. 20060199 (Burleigh Co. No. 05-C-02303)

As stated previously, the above matter has been identified for the **January 2007** Term of Court for oral argument. You will be notified of the date and time for appearance on completion of the Court calendar. **I request Appellant and Appellees to forward or fax to my office immediately any conflicts during the month of January. My fax number is 701-328-4480 and my e-mail address is supclerkofcourt@ndcourts.gov.** You should keep this appeal in mind when scheduling other matters during the specified Term of Court. Counsel for the Appellants should also take this into account when preparing a reply brief, if any.

If conflicts are not received immediately, or cannot be accommodated, oral argument will be scheduled without further contact. If counsel cannot attend oral argument at the date and time scheduled, the matter will be submitted on the basis of the brief(s) filed. Counsel available at the scheduled date and time will be permitted to appear. However, under N.D.R.App.P. 34(a)(2), amended effective March 1, 2003, upon examination of the briefs and record, the Court may decide that oral argument is unnecessary and cancel oral argument.

Sincerely yours,



Penny Miller, Clerk
North Dakota Supreme Court

PM:tc