

# Supreme Court of North Dakota

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December 19, 2006

Mr. William W. Binek  
Special Assistant Attorney General  
Public Service Commission  
State Capitol  
Bismarck, ND 58505-0480

RE: Capital Electric Coop., Inc. v. City of Bismarck, et al.  
Supreme Court No. 20060199

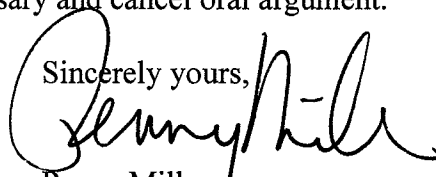
Montana-Dakota Utilities v. ND Public Service Commission, et al.  
Supreme Court No. 20060270

This matter will be called for oral argument on 01/22/2007 at 09:30am or as soon thereafter as the case(s) may be heard. **Please immediately confirm your presence at oral argument with my staff person at 701-328-2221.**

Pursuant to Rule 34(b), N.D.R.App.P., the appellant will be given 30 minutes and the appellee 20 minutes to argue. If there are two or more appellants or appellees, they must share the allotted time.

**Absent exigent circumstances, if you are unable to attend or wish to waive oral argument, you must notify this office, in writing, no less than one week prior to the scheduled date and time. Neglect to do so may subject you to sanction.** If you are unable to attend oral argument at the scheduled date and time, the case(s) will be submitted on the basis of the brief(s) filed. Counsel or unrepresented party 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

## WEATHER POLICY

After careful review, the Court has concluded that oral arguments will not be postponed due to winter weather conditions.

While the Court does not expect counsel or litigants to risk their personal safety in order to appear for arguments, the practice of rescheduling arguments is costly and unduly delays submission of the case to the Court. Therefore, it is incumbent upon counsel to make appropriate arrangements to ensure their presence and, if necessary, travel the day before their scheduled arguments.

Should the state experience successive days of severe winter weather conditions, the Court, in its discretion, will decide whether or not to reschedule arguments and counsel will be notified accordingly. However, arguments will ordinarily not be rescheduled if opposing counsel has traveled to Bismarck and is present for oral arguments at the time scheduled.

If oral arguments are not rescheduled, the case will be submitted to the Court on the briefs that have been filed.

Approved 3/9/94