

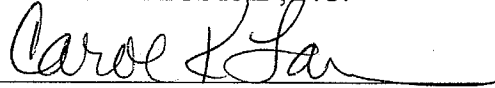
Findings are the "special relevance" for referencing the document in the supplemental appendix.

MDU is arguing a double standard. MDU's "addendum" attached to its Appellant's brief contains 76 pages of additional materials and is substantially identical to its "appendix" attached to its brief to the district court. If MDU is allowed to augment its brief by attaching materials from the proceeding below, it should be permissible for Capital to do the same. It makes no difference whether the supplemental material is labeled an "addendum" or "appendix."

The Motion to Strike should be in all things denied.

Dated this 28th day of December, 2006.

PRINGLE & HERIGSTAD, P.C.

By: 

Carol K. Larson - #04406

Attorneys for Plaintiff and Appellant,

Capital Electric Cooperative, Inc.

2525 Elk Drive

PO Box 1000

Minot, ND 58702-1000

(701) 852-0381

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

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

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

LaRae A. Thomas, being first duly sworn, deposes and says:

That she is a citizen of the United States of America, of legal age, and is not a party to nor interested in the above entitled action; that on the 28th day of December, 2006, this Affiant served by depositing in the mailing department of the United States Post Office at Minot, North Dakota, a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the following documents in the above entitled action:

1. Response to Motion to Strike Appellee Capital Electric's Supplemental Appendix and Brief.

That envelopes were addressed to the following persons at their known address as follows:

Jerome C. Kettleison
Pearce & Durick
PO Box 400
Bismarck, ND 58502-0400

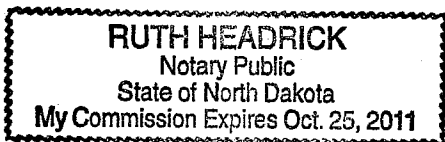
William W. Binek
PUBLIC SERVICE COMMISSION
600 E Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480

The Honorable Wayne Stenehjem
Attorney General of North Dakota
600 East Boulevard Avenue, Dept 125
Bismarck, ND 58505

That the above provisions were duly mailed in accordance with the provisions of the North Dakota Rules of Civil Procedure.

LaRae A Thomas
LaRae A. Thomas

SUBSCRIBED AND SWORN to before me this 28 day of December, 2006.



Ruth Headrick
Notary Public
For the State of North Dakota
My Commission expires: 10-25-11

DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
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KENNETH G. PRINGLE
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MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)

December 28, 2006

PENNY L. MILLER, CLERK
NORTH DAKOTA SUPREME COURT
JUDICIAL WING - 1ST FLOOR
600 E. BOULEVARD AVE., DEPT. 180
BISMARCK, ND 58505-0530

**MONTANA-DAKOTA UTILITIES CO.
VS.
NORTH DAKOTA PUBLIC SERVICE COMMISSION &
CAPITAL ELECTRIC COOPERATIVE**

Supreme Court No. 20060270

Dear Penny:

Enclosed herewith is Appellee's, Capital Electric Cooperative, original and seven copies of its Response to Motion to Strike Appellee Capital Electric's Supplemental Appendix and Brief, together with Affidavit of Service.

If you have any questions on the enclosed, please do not hesitate to contact me.

Yours truly,

Carol K. Larson
lat

Enclosures

cc: Jerome C. Kettleison
William W. Binek
Wayne Stenehjerm