

Supreme Court of North Dakota

OFFICE OF THE CLERK

600 E BOULEVARD AVE DEPT 180

BISMARCK ND 58505-0530

(701) 328-2221 (Voice)

(701) 328-4480 (FAX) (701) 328-2884 (TDD)

supclerkofcourt@ndcourts.com

CLERK OF THE SUPREME COURT

PENNY MILLER

CHIEF DEPUTY CLERK

COLETTE M. BRUGGMAN

January 10, 2007

Mr. Jerome C. Kettleison
Mr. Patrick W. Durick
Attorneys at Law
Pearce & Durick
P.O. Box 400
Bismarck, ND 58502-0400

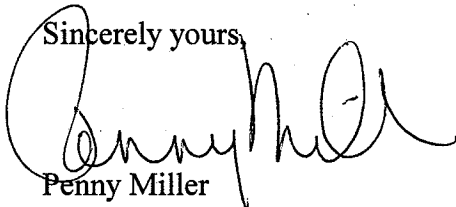
Mr. Daniel S. Kuntz
Attorney at Law
MDU Resources Group, Inc.
P.O. Box 5650
Bismarck, ND 58502-5650

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)

Enclosed is a copy of an Order entered January 10, 2007, by the Supreme Court in the above matter.

Sincerely yours,



Penny Miller

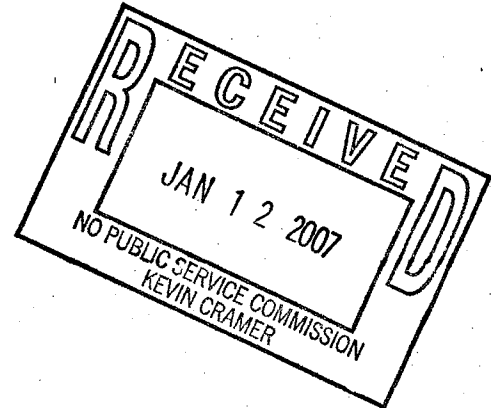
Clerk

North Dakota Supreme Court

PM:cmb

Enclosure

pc & encl: Ms. Carol K. Larson
Mr. William W. Binek, Special Assistant Attorney General
Mr. Randall J. Bakke & Mr. Mitchell D. Armstrong



IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER

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

**Montana-Dakota Utilities Company,
a Division of MDU Resources Group, Inc.,**

Plaintiff and Appellant

v.

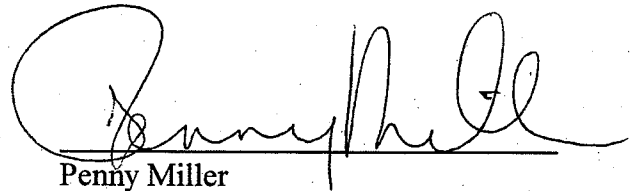
**The Public Service Commission of North
Dakota and Capital Electric Cooperative, Inc.,**

Defendants and Appellees

On December 20, 2006, Montana-Dakota Utilities Company, a Division of MDU Resources Group, Inc., (MDU), filed a Motion to Strike Appellee Capital Electric Cooperative's Supplemental Appendix for failure to comply with the North Dakota Rules of Appellate Procedure. On December 29, 2006, Capital Electric filed a Response requesting the motion be denied. The Court considered the matter, and

ORDERED, the Motion to Strike Appellee Capital Electric Cooperative's Supplemental Appendix is **DENIED**.

The Supreme Court of the State of North Dakota convened January 10, 2007, with and the Honorable Dale V. Sandstrom, the Honorable Carol Ronning Kapsner, and 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, and the Honorable Mary Muehlen Maring, deeming themselves disqualified, did not participate in this decision.



Penny Miller
Clerk

North Dakota Supreme Court