



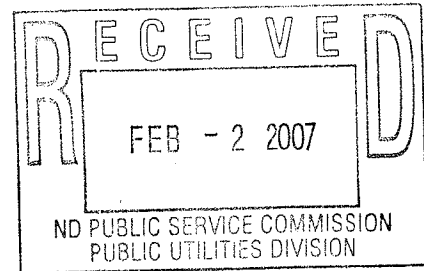
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February 1, 2007

Ms. Debra Simenson
Clerk of the District Court
Burleigh County
P.O. Box 1055
Bismarck, ND 58502-1055



Re: *Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. v. North Dakota Public Service Commission.*
Civil No. 06-C-1290

Dear Ms. Simenson:

Enclosed for filing in the above-entitled matter are (proposed) Order for Dismissal of Petition for Writ of Prohibition and Order to Show Cause, and (proposed) Judgment, together with Affidavit of Service.

Thank you for your attention to this matter.

Very truly yours,

PEARCE & DURICK

By

Jerome C. Kettleison
Phone: (701) 333-0104
Email: jck@pearce-durick.com

JCK/ef

Enclosures

cc. (w/encls.) William W. Binck
(w/encls.) Public Service Commission
(w/encls.) Carol Larson
(w/encls.) Daniel S. Kuntz

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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

CIVIL NO. 06-C-1290

Plaintiff,

vs.

AFFIDAVIT OF SERVICE

North Dakota Public Service Commission,

Defendant.

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

Evelyn Froebe, being first duly sworn on oath, does depose and say: That she is over the age of eighteen years, and not a party to the above-entitled matter;

That on the 1 day of February, 2007, this affiant deposited in the mailing department of the United States Post Office at Bismarck, ND, a true and correct copy of the following documents in the above-captioned action:

- (1) (Proposed) Order for Dismissal of Petition for Writ of Prohibition and Order to Show Cause; and
- (2) (Proposed) Judgment

That copies of the above documents were enclosed and secured in an envelope with postage duly prepaid and addressed as follows:

William W. Binek
Special Assistant Attorney General
Public Service Commission
State Capitol
Bismarck, ND 58505-0480
Counsel for The Public Service Commission of North Dakota

Public Service Commission
State Capitol Building
600 E. Boulevard Avenue; Dept. 408
Bismarck, ND 58505-0480

Carol Larson
Pringle & Herigstad, P.C.
2525 Elk Drive
P.O. Box 1000
Minot, ND 58702-1000
Attorney for Capital Electric Cooperative, Inc.

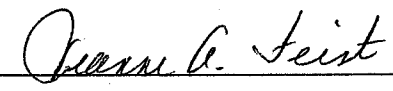
To the best of affiant's knowledge, information and belief, such address as given above were the actual post office address of the parties intended to be so served.

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



Evelyn Froebe

Subscribed and sworn to before me this 1 day of February, 2007.



Notary Public

JEANNE A. FEIST
Notary Public State of North Dakota
My Commission Expires MARCH 7, 2007

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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

CIVIL NO. 06-C-1290

Petitioner,)

ORDER FOR DISMISSAL OF
PETITION FOR WRIT OF
PROHIBITION AND ORDER
TO SHOW CAUSE

vs.)

North Dakota Public Service Commission,)

Respondent.)

The District Court, the Honorable Donald L. Jorgensen, District Judge presiding, entered its order denying writ of prohibition in the above matter on July 26, 2006. The action in Case No. 08-06-C-C-1290 is in all things dismissed; let the Clerk enter judgment accordingly.

Dated this ___ day of February, 2007.

BY THE COURT:

Donald L. Jorgensen, District Judge

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

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

CIVIL NO. 06-C-1290

Petitioner,

JUDGMENT

vs.

North Dakota Public Service Commission,

Respondent.

The Court having entered its Order dismissing the Writ of Prohibition in an Order dated July 26, 2006, and having entered its Order for Dismissal of the Petition for Writ of Prohibition and Order to Show Cause on February ____, 2007;

NOW THEREFORE, IT IS ORDERED AND ADJUDGED that the Writ of Prohibition and Order to Show Cause is in all things dismissed.

Dated this ____ day of February, 2007.

BY THE COURT:

Clerk of Court