

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

JUDGMENT

Supreme Court No. 20060270

Appeal from the district court for Burleigh County.

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

Appellant

v.

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

Appellees

This appeal having been heard by the Court at the January 2007 Term before Acting Chief Justice Carol Ronning Kapsner, Justice Dale V. Sandstrom, Justice Daniel J. Crothers, and Surrogate Judge Ronald E. Goodman and Surrogate Judge William F. Hodny, sitting in place of Chief Justice Gerald W. VandeWalle and Justice Mary Muehlen Maring, disqualified;

and the Court having considered the appeal, it is ORDERED AND ADJUDGED that the judgment affirming a Public Service Commission decision ordering Montana-Dakota Utilities Company not to provide electric service to Boulder Ridge is AFFIRMED.

IT IS FURTHER ORDERED AND ADJUDGED that the Public Service Commission of North Dakota and Capital Electric Cooperative, Inc. have and recover from Montana-Dakota Utilities Company costs and disbursements on this appeal under Rule 39, N.D.R.App.P., to be taxed and allowed in the court below.

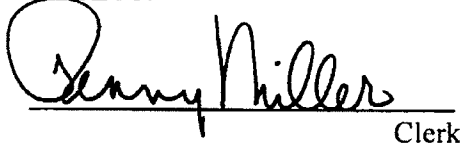
This judgment, together with the opinion of the Court filed this date, constitutes the mandate of the Supreme Court.

Dated: July 27, 2007.

By the Court:

  
Acting Chief Justice

ATTEST:

  
Clerk

seal