

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

Capital Electric Cooperative, Inc.)
)
Complainant,)
)
 vs.)
)
Montana-Dakota Utilities, Inc., a)
Division of MDU Resources Group,)
Inc.)
)
Respondent.)
)

COMPLAINT

Case No. _____

1. Capital Electric Cooperative, Inc. (Capital) is a “rural electric cooperative” under N.D.C.C. 49-03-01.5 Subsection 4.
2. Montana Dakota Utilities Inc., a division of Montana-Dakota Resources Group, Inc. (MDU) is an “electric public utility” under N.D. C.C. 49-03-01.5 Subsection 2.
3. Capital and MDU provide electric service within the municipality of Bismarck, North Dakota.
4. Promontory Point III Addition to the City of Bismarck is a subdivision located in the SW1/4 of Section 19 of Township 139 North, Range 80 West, Burleigh County, within the municipality of Bismarck.
5. Capital alleges that MDU intends to provide electric service in the Promontory Point III subdivision.
6. Capital alleges that MDU’s intent to provide electric service in the Promontory Point III subdivision threatens to interfere with existing services provided by Capital within the municipality of Bismarck.

7. Capital alleges that MDU has commenced construction to extend its electric distribution lines to the Promontory Point III subdivision. MDU's extension of its electric distribution lines to the Promontory Point III subdivision interferes with existing services provided by Capital within the municipality of Bismarck and unreasonably duplicates available services provided by Capital within the municipality of Bismarck. Capital is best able to serve the Promontory Point III subdivision economically due to the nature and extent of its investment in plant, facilities, framework and system.

Therefore, under N.D.C.C. 49-03-01.3, 01.4, and 05, Capital requests the Public Service Commission of the State of North Dakota to issue its Order:

1. Restraining and enjoining MDU from constructing or extending its interfering lines, plant, or system into Promontory Point III;
2. Requiring immediate removal of all of MDU's facilities in Promontory Point III; and
3. In addition to the restraint imposed, that the Commission prescribes such other terms and conditions as it shall deem reasonable and proper.

Dated this 29th day of June, 2006.

PRINGLE & HERIGSTAD, P.C.

By: 

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