

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Capital Electric Cooperative, Inc. vs  
Montana-Dakota Utilities Co./Promontory Point III  
Complaint**

**Case No. PU-06-278**

**NOTICE OF HEARING**

**August 23, 2006**

On June 30, 2006 Capital Electric Cooperative, Inc. (Capital) filed a Complaint alleging that Montana-Dakota Utilities Co. (Montana-Dakota) (1) intends to provide electric service in the Promontory Point III subdivision within the City of Bismarck and (2) such service threatens to interfere with the existing services provided by Capital within the City of Bismarck and unreasonably duplicates available services provided by Capital within the City of Bismarck.

On August 1, 2006 Montana-Dakota filed its Answer. Montana-Dakota alleges that the power of the City of Bismarck to franchise the construction and operation of a public utility within the corporate limits of the city cannot be abridged by the legislative assembly and that nothing in Chapter 49-03 can limit the authority of the governing board of a city in exercising its franchising authority under North Dakota Century Code Section 40-05-01. Montana-Dakota further argues that the Commission does not have jurisdiction to restrain or enjoin it from exercising its franchise authority to provide electric distribution services within Promontory Point III and the Commission does not have jurisdiction to allow Capital to provide electric distribution services within Promontory Point III without a franchise from the City of Bismarck.

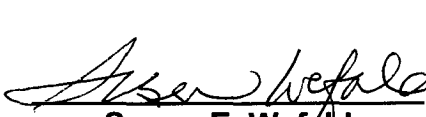
**A public hearing on this matter will be held October 30, 2006 beginning at 9 a.m. CST in the Commission Hearing room, State Capitol, 12<sup>th</sup> Floor, Bismarck, North Dakota 58505. Issues to be considered in this matter include:**

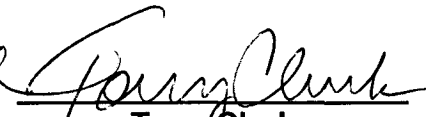
1. Whether the Public Service Commission has jurisdiction to award the relief requested by the Complainant.
2. Whether Respondent should be restrained and enjoined from constructing or extending its lines, plant, or system into Complainant's franchised service area.
3. Whether Respondent should remove all of its facilities in the Complainant's service area.

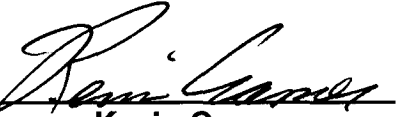
For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille

materials please notify Ilona A. Jeffcoat-Sacco, Executive Secretary at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

  
Susan E. Wefald  
Commissioner

  
Tony Clark  
President

  
Kevin Cramer  
Commissioner