



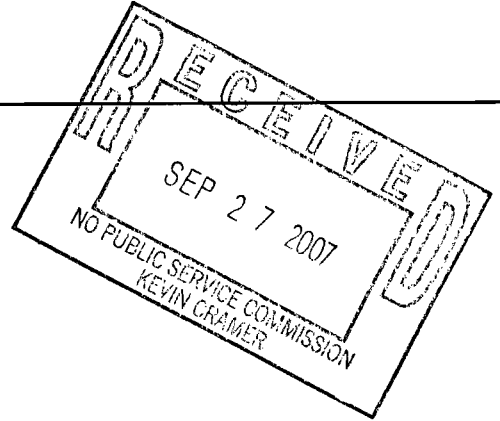
# MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc.

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

Direct Dial No.  
(701) 530-1016  
(701) 530-1731 (fax)



September 26, 2007

Ms. Illona Jeffcoat-Sacco  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol – Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

Re: Case Nos. PU-06-278 and PU-07-425 - Capital Electric Cooperative, Inc. vs. Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing on behalf of Montana-Dakota Utilities Co. are the original and seven copies of the Motion and Brief in Support of Motion to Compel Discovery in the above referenced cases. By this Motion, Montana-Dakota is requesting an order compelling Capital Electric Cooperative to respond to interrogatories in these proceedings. By copy of this letter, we are forwarding a copy of the Motion and Brief to Administrative Law Judge Al Wahl, the designated Hearing Officer in these proceedings, for a ruling on the Motion. Please date stamp and return the extra copy for our files.

Sincerely,

Daniel S. Kuntz  
Associate General Counsel

DSK/djv

Enclosures

cc: Carol K. Larson  
William W. Binck  
Donald Ball  
Frank Morehouse  
Al Wahl  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street  
Bismarck, ND 58501-1882

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Capital Electric Cooperative vs.  
Montana-Dakota Utilities Co.

Case Nos. PU-07-425  
and PU-06-278

AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Dorothy Vedvick deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 26<sup>th</sup> day of September, 2007, she deposited in the United States Mail, Bismarck, North Dakota, one envelope securely sealed and containing a photocopy of:

Motion and Brief in Support of Motion To Compel Discovery

The envelope was addressed as follows:

Carol K. Larson  
Pringle & Herigstad, P.C.  
2525 Elk Drive  
P.O. Box 1000  
Minot, ND 58702

Al Wahl  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street  
Bismarck, ND 58501-1882

William W. Binek  
North Dakota Public Service Commission  
State Capitol – Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

Each address shown is the respective addressee's last reasonably ascertainable post office address.

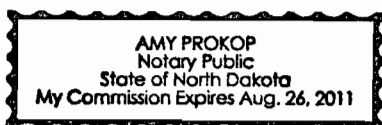
Dorothy Vedvick

Subscribed and sworn to before me  
this 26<sup>th</sup> day of September, 2007.

Amy Prokop

Notary Public

Seal



**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

Capital Electric Cooperative, Inc.	)	
	)	
Complainant,	)	
	)	
vs.	)	<b>PU-06-278</b>
	)	
Montana-Dakota Utilities Co., a	)	
Division of MDU Resources Group, Inc.	)	
	)	
Respondent.	)	<b>MOTION AND BRIEF IN</b>
	)	<b>SUPPORT OF MOTION TO COMPEL</b>
	)	<b>DISCOVERY</b>
Capital Electric Cooperative, Inc.	)	
	)	
Complainant,	)	
	)	
vs.	)	<b>PU-07-425</b>
	)	
Montana-Dakota Utilities Co., a	)	
Division of MDU Resources Group, Inc.)	)	
	)	
Respondent.	)	

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. ("Montana-Dakota") the Respondent in these proceedings, moves the North Dakota Public Service Commission ("PSC" or "Commission") through its duly appointed Hearing Officer, for an order compelling the Complainant, Capital Electric Cooperative, Inc. ("Capital Electric") to respond to interrogatories in this proceeding. This motion is presented to the Hearing Officer under N.D.C.C. Section 28-32-33.

**BRIEF IN SUPPORT OF MOTION**

On June 30, 2006, Capital Electric filed its complaint with the PSC requesting an order restraining Montana-Dakota from constructing or extending its electric distribution facilities into the Promontory Point III Subdivision to the City of Bismarck. On July 5, 2007, Capital Electric filed a similar complaint seeking an order restraining

Montana-Dakota from constructing or extending its electric distribution facilities into the Sonnet Heights 1<sup>st</sup> Replat Subdivision to the City of Bismarck. In each instance, the Commission found the complaints stated *prima facie* cases and served copies on Montana-Dakota. In turn, Montana-Dakota filed answers to the complaints. The Commission has scheduled hearings on these complaints for November 19, 2007 and November 20, 2007. Administrative Law Judge Al Wahl has been designated as the Hearing Officer to conduct the hearings in these proceedings.

Montana-Dakota served identical sets of interrogatories on Capital Electric in cases PU-06-278 and PU-07-425 (Attachments 1 and 2.) Correspondingly, Capital Electric served identical sets of responses and objections (Attachments 3 and 4). In each instance, Capital Electric provided a partial response to Interrogatory No. 1 and objected in their entirety to the remaining Interrogatories Nos. 2 through 6. Capital Electric objected to these interrogatories on the grounds that the requested information is irrelevant and/or is unlikely to lead to the discovery of admissible evidence, or is otherwise not discoverable under the rules of procedure. Montana-Dakota requested Capital Electric to reconsider its objections but received no response to that request (Attachment 5). Montana-Dakota has since been able to independently obtain information similar to that requested in the objected portions Interrogatory No. 1, as well as the information requested in Interrogatory No. 2. Accordingly, this motion is not directed to those interrogatories. In the remaining Interrogatories Nos. 3 through 6, Montana-Dakota requested information regarding:

—The number of residential, commercial, and industrial services added by Capital Electric within the extraterritorial zoning areas of the City of Bismarck.

—The number of residential, commercial, and industrial services added within Burleigh County, but outside the City of Bismarck and the extraterritorial zoning areas of the City of Bismarck.

—The percentage increase (decrease) of Kwh sales of electric energy made by Capital Electric within the City of Bismarck.

—The percentage of increase of Kwh sales of electric energy made by Capital Electric in Burleigh County.

In each instance, Montana-Dakota has requested the information for the annual calendar periods from July 1, 2003.

The overriding issue in this proceeding is whether Montana-Dakota's extension of electric service into the disputed subdivisions will interfere with Capital Electric's existing services or unreasonably duplicate such services. The requested information is relevant to these proceedings because in a prior proceeding Capital Electric argued that facilities in the vicinity of the disputed annexed area were planned and built to provide service to the annexed area. Capital Electric's facilities, however, are also used to serve areas outside the City of Bismarck. Accordingly, the number of customers and electric load added by Capital Electric outside the City is relevant to determining whether service extensions by Montana-Dakota within the annexed area will interfere with, or unreasonably duplicate, facilities of Capital Electric in the vicinity of the disputed area that are also used to serve customers and service areas outside the City. Although Capital Electric has not contended requested the interrogatories are burdensome, Montana-Dakota is willing to narrow the scope of its request to Interrogatories Nos. 3 and 4 to request only the total number of electric services added

in the designated areas without a breakdown between residential, commercial, and industrial services.

Dated this 26<sup>th</sup> day of September, 2007.

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

Daniel S. Kuntz (ID# 03490)  
Associate General Counsel  
MDU Resources Group, Inc.  
1200 West Century Avenue  
P.O. Box 5650  
Bismarck, ND 58506-5650  
(701) 530-1006

By: 

**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

Capital Electric Cooperative, Inc.	)	
	)	
Complainant,	)	
	)	
vs.	)	<b>MONTANA-DAKOTA'S</b>
	)	<b>INTERROGATORIES</b>
	)	<b>TO CAPITAL ELECTRIC</b>
Montana-Dakota Utilities Co., a	)	
Division of MDU Resources Group, Inc.)	)	<b>PU-06-278</b>
	)	
Respondent.	)	

**TO: PLAINTIFF CAPITAL ELECTRIC COOPERATIVE AND ITS ATTORNEYS**

Pursuant to North Dakota Century Code § 28-32-33 and Rule 33 of the North Dakota Rules of Civil Procedure, the defendant Montana-Dakota Utilities Co. demands responses to the following interrogatories. Your responses must include all information available not only to you, but also available to your agents, attorneys, or others who have information available to you upon your inquiry to them.

**Interrogatories**

**Interrogatory 1.** Identify the subdivisions that were annexed to the City of Bismarck since June 26, 2003 to which you have extended electric distribution service facilities, stating:

- a. The name of the subdivision.
- b. The date of annexation.
- c. The number of lots zoned for residential use located within each subdivision.
- d. The number of lots zoned for commercial and industrial use located within each subdivision.
- e. The number of residential, commercial, and industrial customers currently served by you in each subdivision.

f. The number of residential, commercial and industrial customers served by you in each subdivision prior to annexation.

**Interrogatory 2.** State the number of residential, commercial, and industrial services that you added within the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 3.** State the number of residential, commercial, and industrial services that you added within the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 4.** State the number of residential, commercial, and industrial services that you added within Burleigh County but outside the City of Bismarck and the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 5.** State the percentage of increase (decrease) of Kwh sales of electric energy made by you within the City of Bismarck from the prior annual period during:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 6.** State the percentage of increase of Kwh sales of electric energy

made by you in Burleigh County from the prior annual period during:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

Dated this 29<sup>th</sup> day of August, 2007.

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

Daniel S. Kuntz (ID# 03490)  
Associate General Counsel  
MDU Resources Group, Inc.  
1200 West Century Avenue  
P.O. Box 5650  
Bismarck, ND 58506-5650  
(701) 530-1006

Pearce & Durick  
Patrick W. Durick (ID# 03141)  
Jerome C. Kettleon (ID# 03095)  
314 East Thayer  
P.O. Box 400  
Bismarck, ND 58502-0400  
(701) 223-2890

By: 

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Capital Electric Cooperative vs.  
Montana-Dakota Utilities Co.

Case No. PU-06-278

AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Dorothy Vedvick deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 29<sup>th</sup> day of August, 2007, she deposited in the United States Mail, Bismarck, North Dakota, one envelope securely sealed and containing a photocopy of:

Montana-Dakota Utilities Co. Interrogatories to Capital Electric

The envelope was addressed as follows:

Carol K. Larson  
Pringle & Herigstad, P.C.  
2525 Elk Drive  
P.O. Box 1000  
Minot, ND 58702

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Dorothy Vedvick

Subscribed and sworn to before me  
this 29<sup>th</sup> day of August, 2007.

Eileen Hochhalter  
Notary Public



**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

Capital Electric Cooperative, Inc.	)	
	)	
Complainant,	)	
	)	
vs.	)	<b>MONTANA-DAKOTA'S</b>
	)	<b>INTERROGATORIES</b>
	)	<b>TO CAPITAL ELECTRIC</b>
Montana-Dakota Utilities Co., a	)	
Division of MDU Resources Group, Inc.)	)	<b>PU-07-425</b>
	)	
Respondent.	)	

**TO: PLAINTIFF CAPITAL ELECTRIC COOPERATIVE AND ITS ATTORNEYS**

Pursuant to North Dakota Century Code § 28-32-33 and Rule 33 of the North Dakota Rules of Civil Procedure, the defendant Montana-Dakota Utilities Co. demands responses to the following interrogatories. Your responses must include all information available not only to you, but also available to your agents, attorneys, or others who have information available to you upon your inquiry to them.

**Interrogatories**

**Interrogatory 1.** Identify the subdivisions that were annexed to the City of Bismarck since June 26, 2003 to which you have extended electric distribution service facilities, stating:

- a. The name of the subdivision.
- b. The date of annexation.
- c. The number of lots zoned for residential use located within each subdivision.
- d. The number of lots zoned for commercial and industrial use located within each subdivision.
- e. The number of residential, commercial, and industrial customers currently served by you in each subdivision.

f. The number of residential, commercial and industrial customers served by you in each subdivision prior to annexation.

**Interrogatory 2.** State the number of residential, commercial, and industrial services that you added within the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 3.** State the number of residential, commercial, and industrial services that you added within the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 4.** State the number of residential, commercial, and industrial services that you added within Burleigh County but outside the City of Bismarck and the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 5.** State the percentage of increase (decrease) of Kwh sales of electric energy made by you within the City of Bismarck from the prior annual period during:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**Interrogatory 6.** State the percentage of increase of Kwh sales of electric energy made by you in Burleigh County from the prior annual period during:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

Dated this 3<sup>rd</sup> day of August, 2007.

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

Daniel S. Kuntz (ID# 03490)  
Associate General Counsel  
MDU Resources Group, Inc.  
1200 West Century Avenue  
P.O. Box 5650  
Bismarck, ND 58506-5650  
(701) 530-1006

By: 

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Capital Electric Cooperative vs.  
Montana-Dakota Utilities Co.

Case No. PU-07-425

AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

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Carol K. Larson  
Pringle & Herigstad, P.C.  
2525 Elk Drive  
P.O. Box 1000  
Minot, ND 58702

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Dorothy Vedvick

Subscribed and sworn to before me  
this 3rd day of August, 2007.

Eileen Hochhalter  
Notary Public



DONALD A. NEGAARD  
JAMES E. NOSTDAHL  
CAROL K. LARSON  
DAVID J. HOGUE  
REED A. SODERSTROM  
BRENT M. OLSON  
DEBRA L. HOFFARTH  
SCOTT M. KNUDSVIG  
RYAN D. SANDBERG  
OF COUNSEL  
HERBERT L. MESCHKE

**PH**  
LAW OFFICES OF  
**PRINGLE & HERIGSTAD, P.C.**

2525 ELK DRIVE  
POST OFFICE BOX 1000  
MINOT, NORTH DAKOTA 58702  
(701) 852-0381  
FAX (701) 857-1361  
E-mail: pringle@srt.com



RETIRED  
THOMAS A. WENTZ  
MARK F. PURDY  
JAN M. SEBBY

KENNETH G. PRINGLE  
(1914-1983)  
MITCHELL H. MAHONEY  
(1929-1996)  
ROGER O. HERIGSTAD  
(1919-2003)

September 4, 2007

DANIEL S. KUNTZ  
ASSOCIATE GENERAL COUNSEL  
MONTANA-DAKOTA UTILITIES CO.  
PO BOX 5650  
BISMARCK, ND 58502-5650

**CAPITAL ELECTRIC COOPERATIVE, INC. VS MONTANA-DAKOTA UTILITIES INC.  
CASE NO. PU-06-278**

Dear Dan:

Please find enclosed Capital Electric Cooperative, Inc.'s Answers to Interrogatories.

If you have any questions on the enclosed, please do not hesitate to contact me.

Yours truly,

Carol K. Larson

lat

Enclosures

cc w/ encl: Ordean "Lars" Nygren

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

Capital Electric Cooperative, Inc.	)	
	)	
Complainant,	)	
	)	
vs.	)	<b>ANSWERS TO INTERROGATORIES</b>
	)	<b>AND REQUESTS FOR PRODUCTION</b>
Montana-Dakota Utilities, Inc., a	)	
Division of MDU Resources Group,	)	<b>Case No. PU-06-278</b>
Inc.	)	
	)	
Respondent.	)	

TO: Respondent, Montana-Dakota Utilities, Inc., a Division of MDU Resources Group, Inc, and its attorneys.

**Interrogatory 1.** Identify the subdivisions that were annexed to the City of Bismarck Since June 26, 2003 to which you have extended electric distribution services facilities, stating:

- a. The name of the subdivision.
- b. The date annexation.
- c. The number of lots zoned for residential use located within each subdivision.
- d. The number of lots zoned for commercial and industrial use located within each subdivision.
- e. The number of residential, commercial, and industrial customers currently served by you in each subdivision.
- f. The number residential, commercial and industrial customers served by you in each subdivision prior to annexation.

**ANSWER TO INTERROGATORY 1.**


- a. See attached Exhibit A.
- b. See attached Exhibit A.
- c. Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery request served to the extent that said request seeks information available to the general public and therefore



equally available to requesting party.

  
\_\_\_\_\_  
Carol K. Larson

- d. Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery request served to the extent that said request seeks information available to the general public and therefore equally available to requesting party.

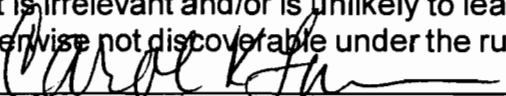
  
\_\_\_\_\_  
Carol K. Larson

- e. See attached Exhibit A.  
f. See Attached Exhibit A.

**Interrogatory 2.** State the number residential, commercial, and industrial services that you added within the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.  
b. July 1, 2004 to June 30, 2005.  
c. July 1, 2005 to June 30, 2006.  
d. July 1, 2006 to June 30, 2007.


**ANSWER TO INTERROGATORY 2.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
\_\_\_\_\_  
Carol K. Larson

**Interrogatory 3.** State the number residential, commercial, and industrial services that you added within the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.  
b. July 1, 2004 to June 30, 2005.  
c. July 1, 2005 to June 30, 2006.  
d. July 1, 2006 to June 30, 2007.

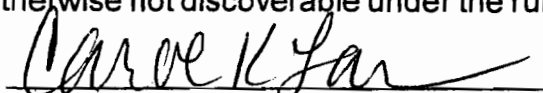
**ANSWER TO INTERROGATORY 3.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
Carol K. Larson

**Interrogatory 4.** State the number of residential, commercial, and industrial services that you added within Burleigh County but outside the City of Bismarck and the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

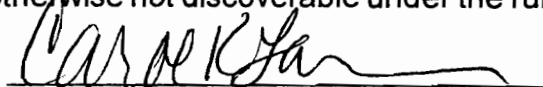
**ANSWER TO INTERROGATORY 4.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
Carol K. Larson

**Interrogatory 5.** State the percentage of increase (decrease) of Kwh sales of electric energy made by you within the City of Bismarck from the prior annual period during:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

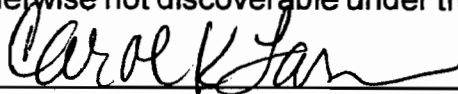
**ANSWER TO INTERROGATORY 5.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
Carol K. Larson

**Interrogatory 6.** State the percentage of increase of Kwh sales of electric energy made by you in Burleigh County from the prior annual period during:

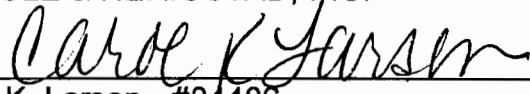
- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**ANSWER TO INTERROGATORY 6.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

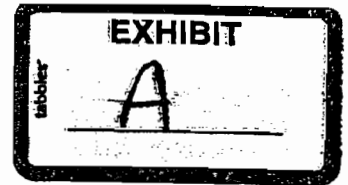
  
\_\_\_\_\_  
Carol K. Larson

Dated this 4 day of Sept. ~~August~~, 2007.

PRINGLE & HERIGSTAD, P.C.

By:   
\_\_\_\_\_  
Carol K. Larson - #04406  
Attorneys for Capital Electric Cooperative, Inc.  
Pringle & Herigstad, P.C.  
2525 Elk Drive  
PO Box 1000  
Minot, ND 58702-1000  
(701) 852-0381  
cklarson@srt.com

**Annexations June 26, 2003 - Present  
with Capital Electric Services**



SUBDIVISION	ANNEXATION DATE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
North Valley Est 2nd Pt L1B1	7/22/2003	12		
Pebble Creek 8th Part	7/22/2003	6		
Meadowlark Commercial	8/26/2003		1	
Western Hills L4 B4	9/23/2007	1 since 7/22/91		
Pebble Creek 8th Part	10/28/2003	20		
KMK Est L4 B3	2/24/2004	1 since 9/28/03		
Country West XXVII	2/24/2004	7		
The Pointe Part	3/23/2004	13		
Centennial Park 4th L1A,2A B1	3/23/2004		1	
Centennial Park 4th Part	3/23/2004			
Hay Creek Twp Part	5/27/2004	2		
Schweitzer Add	6/4/2004		8	
Pebble Creek 8th Part	7/27/2004	5		
Meadowlark Commercial 2nd	10/26/2004*		3	
Country West XXVIII	1/25/2005	19		
Promontory Point II	1/25/2005	12		
Sattlers Sunrise 5th	1/25/2005	95		
Pebble Creek 8th Part	3/22/2005	8		
Good Shepherd North	4/26/2005		1	
Tree Top Addition	5/24/2005		2	
Boulder Ridge 1st	6/14/2005		4	
Meadowlark Commercial 3rd	6/14/2005		1	
Horizon Heights 2nd	7/26/2005	38		
Hay Creek Twp S25 SW¼ LB,B	7/26/2005			1
KMK Est L3 B3	9/27/2005	1 since 11/03/72		
Pt Boulder Ridge 1st	2/28/2006			
Koch Addition	9/27/05*	21		
Divide Commercial	12/13/2005*		1 + 1**	
Promontory Point III	3/14/2006	1		
Western Hills L3 B4	4/25/2006	1		
The Pointe Part	4/25/2006			
The Pointe Part	2/28/2006	2		
Pt Horizon Heights 2nd	5/23/2006	22		
Pt Meadowlark Comm 4th	5/23/2006			
Eagle Crest 2nd	5/23/2006	7		
Wutzke's Add	8/22/2006	6**	12**	
Pebble Creek 8th Part	9/26/2006			
Hay Creek Twp Pt NE¼ S22	11/14/2006			
Country West Park Add	10/24/06*			
Divide Commercial 2nd	3/27/2007			
Promontory Point IV	4/10/2007			
Pt Boulder Ridge 1st	4/24/2007			
Haycreek Twp Part S21	6/26/2007	2**		

\*Approval Date - Recorded Later

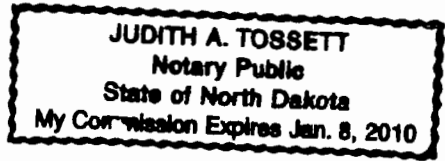
\*\*Services existed prior to annexation



SUBSCRIBED AND SWORN to before me this 4<sup>th</sup> day of September, 2007.

*Judith A. Tossett*

Notary Public  
For the State of North Dakota  
My Commission expires: \_\_\_\_\_



DONALD A. NEGAARD  
JAMES E. NOSTDAHL  
CAROL K. LARSON  
DAVID J. HOGUE  
REED A. SODERSTROM  
BRENT M. OLSON  
DEBRA L. HOFFARTH  
SCOTT M. KNUDSVIG  
RYAN D. SANDBERG  
OF COUNSEL  
HERBERT L. MESCHKE

**PH**  
LAW OFFICES OF  
**PRINGLE & HERIGSTAD, P.C.**

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(701) 852-0381  
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E-mail: pringle@srt.com



RETIRED  
THOMAS A. WENTZ  
MARK F. PURDY  
JAN M. SEBBY

KENNETH G. PRINGLE  
(1914-1983)  
MITCHELL H. MAHONEY  
(1929-1996)  
ROGER O. HERIGSTAD  
(1919-2003)

September 4, 2007

DANIEL S. KUNTZ  
ASSOCIATE GENERAL COUNSEL  
MONTANA-DAKOTA UTILITIES CO.  
PO BOX 5650  
BISMARCK, ND 58502-5650

**CAPITAL ELECTRIC COOPERATIVE, INC. VS MONTANA-DAKOTA UTILITIES INC.  
CASE NO. PU-07-425**

Dear Dan:

Please find enclosed Capital Electric Cooperative, Inc.'s Answers to Interrogatories.

If you have any questions on the enclosed, please do not hesitate to contact me.

Yours truly,

*Carol K Larson*

Carol K. Larson

lat

Enclosures

cc w/ encl: Ordean "Lars" Nygren

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

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

**ANSWERS TO INTERROGATORIES  
AND REQUESTS FOR PRODUCTION**

**Case No. PU-07-425**

TO: Respondent, Montana-Dakota Utilities, Inc., a Division of MDU Resources Group, Inc, and its attorneys.


**Interrogatory 1.** Identify the subdivisions that were annexed to the City of Bismarck Since June 26, 2003 to which you have extended electric distribution services facilities, stating:

- a. The name of the subdivision.
- b. The date annexation.
- c. The number of lots zoned for residential use located within each subdivision.
- d. The number of lots zoned for commercial and industrial use located within each subdivision.
- e. The number of residential, commercial, and industrial customers currently served by you in each subdivision.
- f. The number residential, commercial and industrial customers served by you in each subdivision prior to annexation.

**ANSWER TO INTERROGATORY 1.**

- a. See attached Exhibit A.
- b. See attached Exhibit A.
- c. Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery request served to the extent that said request seeks information available to the general public and therefore

equally available to requesting party.

  
\_\_\_\_\_  
Carol K. Larson

- d. Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery request served to the extent that said request seeks information available to the general public and therefore equally available to requesting party.

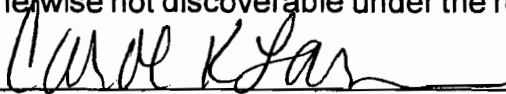
  
\_\_\_\_\_  
Carol K. Larson

- e. See attached Exhibit A.  
f. See Attached Exhibit A.

**Interrogatory 2.** State the number residential, commercial, and industrial services that you added within the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.  
b. July 1, 2004 to June 30, 2005.  
c. July 1, 2005 to June 30, 2006.  
d. July 1, 2006 to June 30, 2007.

**ANSWER TO INTERROGATORY 2.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
\_\_\_\_\_  
Carol K. Larson

**Interrogatory 3.** State the number residential, commercial, and industrial services that you added within the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.  
b. July 1, 2004 to June 30, 2005.  
c. July 1, 2005 to June 30, 2006.  
d. July 1, 2006 to June 30, 2007.

**ANSWER TO INTERROGATORY 3.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
Carol K. Larson

**Interrogatory 4.** State the number of residential, commercial, and industrial services that you added within Burleigh County but outside the City of Bismarck and the extra territorial zoning area of the City of Bismarck between:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.


**ANSWER TO INTERROGATORY 4.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
Carol K. Larson

**Interrogatory 5.** State the percentage of increase (decrease) of Kwh sales of electric energy made by you within the City of Bismarck from the prior annual period during:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

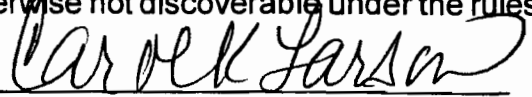
**ANSWER TO INTERROGATORY 5.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
Carol K. Larson

**Interrogatory 6.** State the percentage of increase of Kwh sales of electric energy made by you in Burleigh County from the prior annual period during:

- a. July 1, 2003 to June 30, 2004.
- b. July 1, 2004 to June 30, 2005.
- c. July 1, 2005 to June 30, 2006.
- d. July 1, 2006 to June 30, 2007.

**ANSWER TO INTERROGATORY 6.** Objection. Pursuant to Rule 33 of the Rules of Civil Procedure this responding party objects to the discovery requests a, b, c, and d served to the extent that said requests seek information that is irrelevant and/or is unlikely to lead to the discovery of admissible information, or are otherwise not discoverable under the rules.

  
\_\_\_\_\_  
Carol K. Larson

Dated this 4 day of Sept. ~~August~~, 2007.

PRINGLE & HERIGSTAD, P.C.

By: 

Carol K. Larson - #04406

Attorneys for Capital Electric Cooperative, Inc.

Pringle & Herigstad, P.C.

2525 Elk Drive

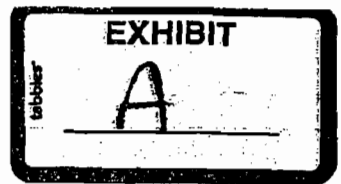
PO Box 1000

Minot, ND 58702-1000

(701) 852-0381

cklarson@srt.com

**Annexations June 26, 2003 - Present  
with Capital Electric Services**



SUBDIVISION	ANNEXATION DATE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
North Valley Est 2nd Pt L1B1	7/22/2003	12		
Pebble Creek 8th Part	7/22/2003	6		
Meadowlark Commercial	8/26/2003		1	
Western Hills L4 B4	9/23/2007	1 since 7/22/91		
Pebble Creek 8th Part	10/28/2003	20		
KMK Est L4 B3	2/24/2004	1 since 9/28/03		
Country West XXVII	2/24/2004	7		
The Pointe Part	3/23/2004	13		
Centennial Park 4th L1A,2A B1	3/23/2004		1	
Centennial Park 4th Part	3/23/2004			
Hay Creek Twp Part	5/27/2004	2		
Schweitzer Add	6/4/2004		8	
Pebble Creek 8th Part	7/27/2004	5		
Meadowlark Commercial 2nd	10/26/2004*		3	
Country West XXVIII	1/25/2005	19		
Promontory Point II	1/25/2005	12		
Sattlers Sunrise 5th	1/25/2005	95		
Pebble Creek 8th Part	3/22/2005	8		
Good Shepherd North	4/26/2005		1	
Tree Top Addition	5/24/2005		2	
Boulder Ridge 1st	6/14/2005		4	
Meadowlark Commercial 3rd	6/14/2005		1	
Horizon Heights 2nd	7/26/2005	38		
Hay Creek Twp S25 SW¼ LB,B	7/26/2005			1
KMK Est L3 B3	9/27/2005	1 since 11/03/72		
Pt Boulder Ridge 1st	2/28/2006			
Koch Addition	9/27/05*	21		
Divide Commercial	12/13/2005*		1 + 1**	
Promontory Point III	3/14/2006	1		
Western Hills L3 B4	4/25/2006	1		
The Pointe Part	4/25/2006			
The Pointe Part	2/28/2006	2		
Pt Horizon Heights 2nd	5/23/2006	22		
Pt Meadowlark Comm 4th	5/23/2006			
Eagle Crest 2nd	5/23/2006	7		
Wutzke's Add	8/22/2006	6**	12**	
Pebble Creek 8th Part	9/26/2006			
Hay Creek Twp Pt NE¼ S22	11/14/2006			
Country West Park Add	10/24/06*			
Divide Commercial 2nd	3/27/2007			
Promontory Point IV	4/10/2007			
Pt Boulder Ridge 1st	4/24/2007			
Haycreek Twp Part S21	6/26/2007	2**		

\*Approval Date - Recorded Later

\*\*Services existed prior to annexation

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

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

**AFFIDAVIT OF SERVICE**

**Case No. PU-07-425**

STATE OF NORTH DAKOTA    )  
  ) ss.  
COUNTY OF WARD            )

**LaRAE A. THOMAS**, being first duly sworn, deposes and says:


That she is a citizen of the United States of America, of legal age, and is not a party to nor interested in the above entitled action; that on the 4th day of September, 2007, this Affiant served by depositing in the mailing department of the United States Post Office at Minot, North Dakota, a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the following documents in the above entitled action:

- 1.    **ANSWERS TO INTERROGATORIES.**

That said envelopes were addressed to the following person at his known address as follows:

DANIEL S. KUNTZ, SENIOR ATTORNEY  
MONTANA-DAKOTA UTILITIES CO.  
PO BOX 5650  
BISMARCK, ND 58502-5650

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

  
\_\_\_\_\_  
LaRae A. Thomas

SUBSCRIBED AND SWORN to before me this 4 day of September, 2007.

*Judith A. Tossett*  
Notary Public  
For the State of North Dakota  
My Commission expires: \_\_\_\_\_

JUDITH A. TOSSETT  
Notary Public  
State of North Dakota  
My Commission Expires Jan. 8, 2010

 **MONTANA-DAKOTA**  
**UTILITIES CO.**  
A Division of MDU Resources Group, Inc.

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

Direct Dial No.  
(701) 530-1016  
(701) 530-1731 (fax)

September 11, 2007

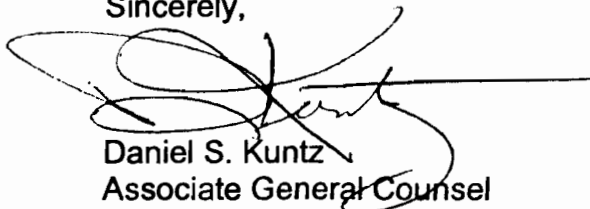
Carol K. Larson  
Pringle & Herigstad, P.C.  
2525 Elk Drive  
P.O. Box 1000  
Minot, ND 58702

Re: Capital Electric Cooperative, Inc. v. Montana-Dakota Utilities Co. –  
PSC Case Nos. PU-06-278 and PU-07-425

Dear Carol:

We received Capital Electric Cooperative, Inc.'s ("Capital Electric") response to the interrogatories of Montana-Dakota Utilities Co. ("Montana-Dakota") in the above-referenced PSC dockets. We request that Capital Electric reconsider its objections to Interrogatories 2, 3, 4, 5, and 6. Based upon its complaint, we anticipate Capital Electric will argue in these proceedings that it planned and constructed certain electric facilities for the purpose of providing service to the annexed areas in dispute. Accordingly, the scope of services added by Capital Electric and served by these facilities, both in and outside the City of Bismarck in recent years, is relevant to Capital Electric's assertions that the extension of Montana-Dakota's facilities into the disputed subdivisions interferes with and unreasonably duplicates the services of Capital Electric. Please advise if Capital Electric will reconsider its objections to these interrogatories so we can avoid the need to present this issue to the hearing officer.

Sincerely,

  
Daniel S. Kuntz  
Associate General Counsel

DSK/djv  
cc: K. Frank Morehouse  
Jay Skabo

*cc: Don Ball*

*file copy*