

**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

**Capital Electric Cooperative, Inc. vs
Montana-Dakota Utilities Co./Sonnet Heights
Complaint**

Case No. PU-07-425

**ORDER
October 12, 2007**

Preliminary statement

On September 21, 2007, Montana-Dakota Utilities Co. (Montana-Dakota) filed a Motion for Stay of these proceedings pending issuance of an order by the City of Bismarck in response to a petition by Montana-Dakota to resolve the franchise disputes and regulate the electric franchise rights in the two subdivisions that are the subject of the proceedings before the Commission.

On October 2, 2007, Capital Electric Cooperative, Inc. (Capital) filed a Brief Opposing MDU's Motion for Stay. Capital stated that on August 23, 2006, the Commission dismissed Montana-Dakota's motion for a stay because the Commission does not have authority to order a "stay" of proceedings. Capital suggests that the Commission should regard Montana-Dakota's motion for a stay as a mislabeled motion for continuance under the "good cause" criteria and that the motion be denied.


Conclusion


The motion before the Commission is a motion for stay. The Commission will address the motion as filed. The Commission does not have authority under either the North Dakota Administrative Code or the North Dakota Century Code to issue a stay.

Order

The Commission Orders that MDU's Motion for Stay is DISMISSED.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Susan E. Wefald
President

Absent - Not Voting
Kevin Cramer
Commissioner

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