

## Jeffcoat-Sacco, Ilona

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**From:** Derrick Braaten [derrick@svlawpartners.com]  
**Sent:** Monday, June 28, 2010 11:46 AM  
**To:** supclerkofcourt@ndcourts.gov  
**Cc:** Jeffcoat-Sacco, Ilona; 'Kuntz, Dan'; 'Mark Bring'  
**Subject:** Stipulation to Voluntary Dismissal / Case No. 20090360  
**Attachments:** Stipulation to Voluntary Dismissal.pdf

Penny L. Miller  
Clerk of Supreme Court

Dear Ms. Miller:

Attached for filing is a Stipulation to Voluntary Dismissal for Case No. 20090360, signed by all parties. Please call with any questions.

Thank you,

Derrick Braaten

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### **PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

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382 PU-06-482 Filed 06/28/2010 Pages: 3  
APPEAL - Email filing Stipulation to Voluntary Dismissal with Supreme Court  
Appellants - Dakota Resource Council  
Derrick Braaten, Sarah Vogel Law

373 PU-06-481 Filed 06/28/2010 Pages: 3  
APPEAL - Email filing Stipulation to Voluntary Dismissal with Supreme Court  
Appellants - Dakota Resource Council  
Derrick Braaten, Sarah Vogel Law

**IN THE SUPREME COURT**

**STATE OF NORTH DAKOTA**

Supreme Court Case No.: 20090360  
Burleigh County District Court No.: 08-8-C-2434-1  
PSC Case Nos.: PU-06-481 and PU-06-482

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**DAKOTA RESOURCE COUNCIL  
AND MARK TRECHOCK,**

Appellants,

v.

**PUBLIC SERVICE COMMISSION,  
OTTER TAIL CORPORATION,  
AND MONTANA DAKOTA UTILITIES CO.,**

Appellees.

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**STIPULATION TO VOLUNTARY DISMISSAL**

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**APPEAL FROM JUDGMENT ENTERED IN CIVIL NO. 08-8-C-2434-1 BY THE  
BURLEIGH COUNTY DISTRICT COURT ON SEPTEMBER 17, 2009 DENYING  
PRIOR APPEAL AND AFFIRMING COMMISSION**

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WHEREAS, by a prior stipulation the parties hereto agreed that if the North Dakota Public Service Commission issued a finding that the participation of Otter Tail Corporation and Montana Dakota Utilities Co. in the Big Stone II Generating Station was no longer prudent, Appellants would dismiss the above-captioned appeal; and

WHEREAS, by Order, dated June 25, 2010, the North Dakota Public Service Commission adopted settlement agreements finding in part that the participation of Otter Tail Corporation and Montana Dakota Utilities Co. in the Big Stone II Generating Station was no longer prudent;

NOW, THEREFORE, IT IS STIPULATED AND AGREED that Dakota Resource Council and Mark Trechock hereby dismiss the above-captioned appeal, and Appellants, the ND Public Service Commission, Otter Tail Corporation and Montana Dakota Utilities Co., by and through their attorneys, and pursuant to N.D.R.App.P. 42(a), agree to this dismissal and to bear their own costs associated with this appeal.

**NORTH DAKOTA PUBLIC SERVICE  
COMMISSION**



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**SARAH VOGEL LAW PARTNERS**



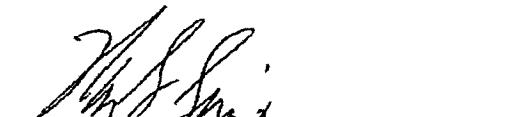
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**OTTER TAIL CORPORATION**



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