

Hamre, John G.

From: Jeffcoat-Sacco, Illona
Sent: Friday, June 25, 2010 2:41 PM
To: Derrick Braaten; Kuntz, Dan; 'Mark Bring'
Cc: Hamre, John G.
Subject: FW: PSC
Attachments: doc20100625144112.pdf

Attached is the stipulation with my signature on behalf of the Public Service Commission

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-----Original Message-----

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**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

**DAKOTA RESOURCE COUNCIL
AND MARK TRECHOCK,**

Appellants,

v.

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

Appellees.

STIPULATION TO VOLUNTARY DISMISSAL


**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**

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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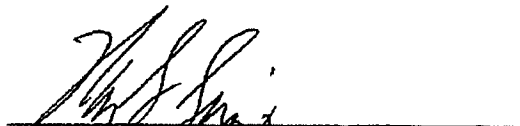
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OTTER TAIL CORPORATION



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