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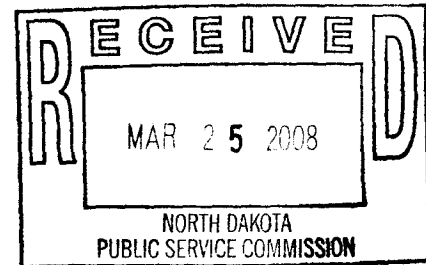
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March 25, 2008

ILLONA JEFFCOT-SACCO
ND PUBLIC SERVICE COMMISSION
600 E BOULEVARD AVE
BISMARCK ND 58505-0480



RE: Case No. PU-07-03
NDPSC
Otter Tail Corporation
Time of Day Tariff
Stipulation and Agreement
Motion to Withdraw
Our File No. 12039

Dear Ms. Jeffcoat-Sacco:

I am enclosing an original and 7 copies of the Stipulation and Agreement in the above case no. PU-07-03 on behalf of ND OTP Large Industrial Energy Group and an Affidavit of Service by Mail.

If you have any questions, please give me a call.

Sincerely,



Thomas D. Kelsch

TDK:ms

Enc

c: Bruce Gerhardson, Otter Tail Corporation
Eric Hoegger



40 PU-07-3 Filed: 3/25/2008 Pages: 5
Stipulation Motion to Withdraw and Brief

Kelsch Kelsch Ruff & Kranda

ND OTP Large Industrial Energy Group

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

OAH File No . 20070170

In the Matter of Otter Tail Corporation d/b/a
OTTER TAIL POWER COMPANY's
Large Commercial Time of Day Tariff

Case No. PU-07-03

STIPULATION AND AGREEMENT

This Stipulation and Agreement is entered into this 3rd day of August, 2007 by and between the North Dakota Large Industrial Energy Group ("Large Industrial Energy Group") and Otter Tail Corporation d/b/a Otter Tail Power Company ("Otter Tail") (collectively the "Parties").

The Parties stipulate to the following:

1. On December 28, 2006, Otter Tail filed a petition for approval of an optional Time Of Day ("TOD") rate for Large General Service Customers in the above-entitled docket;
2. On April 19, 2007 the Large Industrial Energy Group was granted intervention in the above-entitled docket by the North Dakota Public Service Commission ("Commission") for the purpose of evaluating the reasonableness of the proposed TOD rate.
3. The Large Industrial Energy Group has determined that its members do not expect to take service under the proposed TOD rate.
4. The Large Industrial Energy Group has not proposed a different TOD rate in the above-entitled docket and has determined that a different TOD rate could more effectively be offered and considered in the context of a general rate case.
5. Otter Tail will file a general rate case in 2008 as previously stipulated to in Case No. PU-05-131.
6. Based on the foregoing paragraphs 3 through 5, the Large Industrial Energy Group has determined that the costs of continued participation in the above-entitled docket would exceed the likely benefits to the members of the Large Industrial Energy Group.

Based on the above stipulated facts, the Parties agree as follows:

1. The Large Industrial Energy Group will file a letter or other pleading withdrawing from the above-entitled proceeding by no later than August 1, 2007 with the Commission and the

Administrative Law Judge. A copy of this Stipulation and Settlement will accompany the notice of withdrawal.

2. Such withdrawal is without prejudice to the Large Industrial Energy Group to challenge any then existing TOD rate in Otter Tail's next North Dakota general rate case.

3. If the Commission allows the currently proposed TOD rate to take effect, Otter Tail will not assert that the Commission decision has any precedential value and further agrees that the appropriate TOD rate shall be determined based solely on the record established in the general rate case.

4. This Stipulation and Agreement is between the Parties and fully capable of execution by the Parties and does not require Commission approval.

5. This Stipulation and Agreement may be executed in counterparts.

Dated this 3rd day of August, 2007.

Otter Tail Corporation d/b/a Otter Tail Power Company ("Otter Tail")

By: Bruce Gerhardson by Michael Bradley
Bruce Gerhardson
Associate General Counsel

Dated this 5 day of August, 2007.

ND Large Industrial Energy Group

By: Thomas D. Kelsch
Thomas D. Kelsch

IN THE MATTER OF OTTER TAIL CORPORATION) CASE NO. PU-07-03
d/b/a OTTER TAIL POWER COMPANY'S LARGE)
COMMERCIAL TIME OF DAY TARIFF) OAH FILE NO. 22070170

STATE OF NORTH DAKOTA)
)ss. **AFFIDAVIT OF SERVICE BY MAIL**
COUNTY OF MORTON)

MELISSA K SCHNEIDER, being first duly sworn, on oath, deposes and says: That she is a citizen of the United States, over the age of eighteen and not a party to the above-entitled action.

That on the 25 day of March, 2008, this affiant deposited in the United States Post Office at Mandan, North Dakota, a true and correct copy of the following document(s) in the above-captioned action:

1. Motion to Withdraw as Party Intervenor and Brief in Support Thereof
2. Stipulation and Agreement

That a copy of the above document(s) was securely enclosed in an envelope with postage duly prepaid, and addressed as follows:

BRUCE GERHARDSON
OTTER TAIL CORPORATION
215 S CASCADE ST
FERGUS FALL MN 56538

Melissa K Schneider
MELISSA K SCHNEIDER

Subscribed and sworn to before me this 25 day of March, 2008.

Mary Kay Duchsherer
Notary Public, ND
My Commission Expires: 5-11-09

(SEAL)

