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November 8, 2012

RECEIVED
NOV 09 2012
PUBLIC SERVICE COMMISSION

Clerk of District Court
Cass County Courthouse
P.O. Box 2806
Fargo, ND 58108-2806

In re: City of Oxbow, et. al. v. North Dakota Public Service Commission
Civil Number: 09-2012-CV-03147

Dear Clerk of Court:

Enclosed please find the original Certificate of Record on Appeal in this matter. The Public Service Commission has prepared the record on appeal in electronic form on CD, and therefore is not assessing costs for preparing and filing the record in the captioned matter. Also enclosed is an affidavit of service.

Thank you for your attention to this matter.

Respectfully,

MITCHELL D. ARMSTRONG
Special Assistant Attorney General for
Public Service Commission

tmh
enclosures
cc: Lisa Agrimonti & Zeviel Simpser (w/ enc.)
Jennifer Braun & Ronald Hettich (w/ enc.)
Illona Jeffcoat-Sacco (w/o enc.)

Clerk.1

Sheldon A. Smith*
Randall J. Bakke*■●
Scott K. Porsborg*■●
Suzanne M. Schweigert*
Mitchell D. Armstrong*■
Shawn A. Grinolds*■
Stacy M. Moldenhauer*■
David J. Smith*■
Bradley N. Wiederholt*■
Sandra L. Voller*■
Adrienne L. Buckman*▲

* Licensed in North Dakota
■ Licensed in Minnesota
● Licensed in South Dakota
▲ Licensed in New York
* Board Certified Civil Trial Specialist by National Board of Trial Advocacy

131 PU-07-759 Filed: 11/9/2012 Pages: 12
APPEAL - Certificate of Record on Appeal

Public Service Commission

Mitch Armstrong, SAAG

NOV 0 7 2012

STATE OF NORTH DAKOTA

COUNTY OF CASS

IN DISTRICT COURT

EAST CENTRAL JUDICIAL DISTRICT

City of Oxbow, *et al.* **Appellants,** **vs.** **North Dakota Public Service Commission,** **Appellee.** **PSC Case No. PU-07-759**	**Civil Case No. 09-2012-CV-03147** **CERTIFICATE OF RECORD ON APPEAL**

TO: Ms. Kathy Ouren
Clerk of District Court
Cass County District Court
P.O. Box 2806
Fargo, ND 58108-2806

I, the undersigned, as Executive Secretary of the Public Service Commission of the State of North Dakota and Custodian of the records thereof, do hereby certify that the enclosed compact disc includes a true and correct electronic copy of each document, beginning with the Letter of Intent and ending with an Affidavit of Service filed and docketed in **Northern States Power Company, Fargo - St. Cloud, MN, 345 KV CapX Transmission Line, Siting Application, Public Service Commission Case No. PU-07-759**, each of which appears of record and is on file in the office of the Public Service Commission of the State of North Dakota. Documents included in this Certified Record are identified on the attached docket card for this case.

IN WITNESS WHEREOF I have set my hand and affixed the seal of the Public Service Commission in the city of Bismarck, North Dakota, this 7th day of November, 2012.

Darrell Nitschke
Executive Secretary
Public Service Commission
State of North Dakota
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505
(701) 328-2400

SEAL

PU-07-759 **Northern States Power Company** Status:Open

scription: **Fargo - St. Cloud MN 345 KV CapX Transmission Lir**

Case Type: Siting Application Portfolio: BPK

Date Filed: 11/14/2007 Advisory Staff: Jerry R. Lein

Catagory: Electric Docket Count: 128

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
1	11/14/2007	**Letter of Intent, Request for Waiver, Attachments** By: Northern States Power Company	7		● Yes ○ No
2	12/14/2007	**12-14-07 Motion Acknowleging LOI** By: Public Service Commission	1		● Yes ○ No
3	9/23/2010	**Docketed in Error** By: Public Service Commission	1		○ Yes ● No
4	11/30/2010	**Letter comments with maps** By: City of Fargo by Dennis Walaker, Mayor	3		● Yes ○ No
5	12/22/2010	**Letter response to letter comments from the Mayor of the City of Fargo** By: Public Service Commission by Illona A. Jeffcoat-Sacco	4		● Yes ○ No
6	12/30/2010	**Letter to Zeviel Simper enclosing Fargo comments letter and PSC reply letter** By: Public Service Commission by Illona A. Jeffcoat-Sacco	8		● Yes ○ No
7	12/30/2010	**Application for a Certificate of Corridor Compatibility and Route Permit** By: Northern States Power Company by Darrin Lahr	343		● Yes ○ No
8	1/10/2011	**Notice of Appearance** By: City of Fargo Assistant City Attorney by Erik R. Johnson	3		● Yes ○ No
9	1/21/2011	**Receipt# 7,866 $100,000.00 Siting Application Fee** By: Northern States Power Company	1		● Yes ○ No
10	1/26/2011	**Commission Motion amending Dec. 14, 2007 Motion in order to correct case number** By: Public Service Commission			● Yes ○ No
11	1/27/2011	**Letter enclosing Motion amending Dec. 14, 2007 Motion correcting case number** By: Public Service Commission	2		● Yes ○ No
12	2/7/2011	**Letter comments** By: Arlyn Kraft by Robert G. Hoy - Ohnstad Twichell	4		● Yes ○ No
13	2/28/2011	**Request for Administrative Law Judge** By: Public Service Commission	3		● Yes ○ No
14	2/28/2011	**Letter re Court Reporter** By: Public Service Commission	1		● Yes ○ No
15	3/2/2011	**Letter designating Administrative Law Judge** By: Office of Administrative Hearings by Allen C. Hoberg, ALJ	1		● Yes ○ No
16	3/10/2011	**Letter enclosing updated map** By: Northern States Power Company by Darrin F. Lahr	4		● Yes ○ No
17	3/23/2011	**Letter recommending Class I, II, and III CRI's** By: State Historical Society of North Dakota by Merlan E. Paaverud, Jr.	1		● Yes ○ No
18	4/6/2011	**Commission Motion acknowledging retention of Mitch Armstrong to provide legal services** By: Public Service Commission			● Yes ○ No
19	4/11/2011	**Retainer Letter with PSC General Counsel acknowledgment** By: Mitchell D. Armstrong, Attorney	1		○ Yes ● No

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
20	4/8/2011	**Letter enclosing Motion acknowledging retention of Mitch Armstrong to provide legal services** By: Public Service Commission	1		○ Yes ● No
21	4/13/2011	**Amended Application for a Certificate of Corridor Compatibility** By: Northern States Power Company by Darrin F. Lahr	299		● Yes ○ No
22	4/13/2011	**Notice of Appearance** By: Mitchell D. Armstrong	3		● Yes ○ No
23	4/20/2011	**Notice of Appearance** By: Northern States Power Company by Lisa Agnmonti, Briggs and Morgan	4		● Yes ○ No
24	4/25/2011	**Letter request for court reporter** By: Northern States Power Company by Zeviel Simpser, Briggs and Morgan, P.A.	1		○ Yes ● No
25	4/28/2011	**Letter to court reporter** By: Public Service Commission	1		○ Yes ● No
26	5/2/2011	**Letter regarding certified mail of notes and orders** By: Public Service Commission	1		○ Yes ● No
27	5/18/2011	**Commission Motion issuing Notice of Filing and Notice of Hearing** By: Public Service Commission	1		● Yes ○ No
28	5/18/2011	**Notice of Filing and Notice of Hearing** By: Public Service Commission	2		● Yes ○ No
29	5/16/2011	**Supplement to application** By: Northern States Power Company by Zeviel Simpser, Briggs and Morgan	39		● Yes ○ No
30	5/19/2011	**Affidavit of Service cert. and reg. mail - Notice of Filing and Notice of Hearing** By: Public Service Commission	4		● Yes ○ No
31	5/19/2011	**Affidavit of Service cert. and reg. inside, email - Notice of Filing and Notice of Hearing** By: Public Service Commission	6		● Yes ○ No
32	5/19/2011	**Email to NDNA to publish Notice of Filing and Notice of Hearing** By: Public Service Commission	3		● Yes ○ No
33	5/19/2011	**Email from NDNA confirming receipt of request to publish Notice of Filing and Notice of Hearing** By: North Dakota Newspaper Association	1		● Yes ○ No
34	6/1/2011	**Letter comments on environmental impact of proposed project** By: ND Health Department by David Glatt	3		● Yes ○ No
35	6/2/2011	**Statement for legal services** By: Mitchell Armstrong, Smith Bakke Porsborg Schweigert and Armstrong	1		○ Yes ● No
36	6/13/2011	**Invoice #146595 $629.14** By: North Dakota Newspaper Association	1		● Yes ○ No
37	6/13/2011	**Affidavit of Publication with tear sheets** By: North Dakota Newspaper Association	5		● Yes ○ No
38	6/22/2011	**Notice of Postponement and Indefinite Continuance** By: Public Service Commission	1		● Yes ○ No
39	6/21/2011	**Letter comments on route permit application procedure** By: Northern States Power Company by Darrin F. Lahr	2		● Yes ○ No
40	7/1/2011	**Invoice #147147 $267.34** By: North Dakota Newspaper Association	1		● Yes ○ No

11/5/2012

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
41	7/1/2011	**Affidavit of publication with tear sheet** By: North Dakota Newspaper Association	2		● Yes ○ No
42	7/5/2011	**Statement for legal services** By: Smith Bakke Porsborg Schweigert & Armstrong by Mitchell Armstrong	2		○ Yes ● No
43	8/2/2011	**Statement for legal services** By: Mitch Armstrong - Smith Bakke Porsborg Schweigert & Armstrong	1		○ Yes ● No
44	10/3/2011	**Application for a combined certificate of corridor compatibility and route perm** By: Northern States Power Company	385		● Yes ○ No
45	11/3/2011	**Statement for legal services** By: Mitch Armstrong, Smith Bakke Porsborg Schweigert & Armstrong	1		○ Yes ● No
46	12/2/2011	**Statement for legal services** By: Mitch Armstrong	1		○ Yes ● No
47	12/13/2011	**Letter concurrence - no historic properties and no significant sites affected** By: State Historical Society of North Dakota by Merlan Paaverud, Jr.	1		● Yes ○ No
48	12/21/2011	**Memorandum** By: Public Service Commission Staff by Jerry Lein	1		● Yes ○ No
49	12/21/2011	**Commission Motion issuing Notice of Filing and Notice of Hearing** By: Public Service Commission	1		● Yes ○ No
50	12/21/2011	**Notice of Filing and Notice of Hearing** By: Public Service Commission	2		● Yes ○ No
51	12/22/2011	**Email to NDNA to publish Notice of Filing and Notice of Hearing** By: Public Service Commission	3		● Yes ○ No
52	12/22/2011	**Email from NDNA confirming receipt of request to publish Notice of Filing and Notice of Hearing** By: North Dakota Newspaper Association	1		● Yes ○ No
53	12/22/2011	**Affidavit of Service reg., inside, email - Notice of Filing and Notice of Hearing** By: Public Service Commission	3		● Yes ○ No
54	12/22/2011	**Affidavit of Service cert. and reg. mail - Notice of Filing and Notice of Hearing** By: Public Service Commission	4		● Yes ○ No
55	12/29/2011	**Letter comments on environmental impact** By: ND Health Department	3		● Yes ○ No
56	1/10/2012	**Letter concurrence - no historic properties and no significant sites affected** By: State Historical Society of North Dakota by Merlan Paaverud, Jr.	1		● Yes ○ No
57	1/7/2012	**Class I literature search and class II architectural survey letter** By: Northern States Power Company	3		● Yes ○ No
58	1/17/2012	**Supplemental information** By: Northern States Power Company	104		● Yes ○ No
59	1/27/2012	**Affidavit of publication with tear sheets** By: North Dakota Newspaper Association	5		● Yes ○ No
60	1/27/2012	**Invoice #154968 $902.40** By: North Dakota Newspaper Association	1		● Yes ○ No
61	1/27/2012	**Certification relating to order provisions** By: Northern States Power Company	10		● Yes ○ No

11/5/2012

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
62	1/30/2012	**Electronic record of formal hearing** By: Public Service Commission	1		● Yes ○ No
63	2/2/2012	**Statement for legal services** By: Mitch Armstrong - Smith Bakke Porsborg & Schweigert Attorneys at Law	2		○ Yes ● No
64	1/30/2012	**Exhibit list** By: Northern States Power Company	3		● Yes ○ No
65	1/30/2012	**Exhibit 1** By: Northern States Power Company	299		● Yes ○ No
66	1/30/2012	**Exhibit 2** By: Northern States Power Company	42		● Yes ○ No
67	1/30/2012	**Exhibit 3** By: Northern States Power Company	4		● Yes ○ No
68	1/30/2012	**Exhibit 4** By: Northern States Power Company	3		● Yes ○ No
69	1/30/2012	**Exhibit 5** By: Northern States Power Company	3		● Yes ○ No
70	1/30/2012	**Exhibit 6** By: Northern States Power Company	1		● Yes ○ No
71	1/30/2012	**Exhibit 7** By: Northern States Power Company	1		● Yes ○ No
72	1/30/2012	**Exhibit 8** By: Northern States Power Company	1		● Yes ○ No
73	1/30/2012	**Exhibit 9** By: Northern States Power Company	3		● Yes ○ No
74	1/30/2012	**Exhibit 10** By: Northern States Power Company	10		● Yes ○ No
75	1/30/2012	**Exhibit 11** By: Northern States Power Company	17		● Yes ○ No
76	1/30/2012	**Exhibit 12** By: Northern States Power Company	6		● Yes ○ No
77	1/30/2012	**Exhibit 13** By: Northern States Power Company	9		● Yes ○ No
78	1/30/2012	**Exhibit 14** By: Northern States Power Company	10		● Yes ○ No
79	1/30/2012	**Exhibit 15** By: Northern States Power Company	9		● Yes ○ No
80	1/30/2012	**Exhibit 16** By: Northern States Power Company	6		● Yes ○ No
81	1/30/2012	**Exhibit 17** By: Northern States Power Company	10		● Yes ○ No
82	1/30/2012	**Exhibit 18** By: Northern States Power Company	12		● Yes ○ No

11/5/2012

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
83	1/30/2012	**Exhibit 19** By: Northern States Power Company	7		● Yes ○ No
84	1/30/2012	**Exhibit 20** By: Northern States Power Company	2		● Yes ○ No
85	1/30/2012	**Exhibit 21** By: Northern States Power Company	2		● Yes ○ No
86	1/30/2012	**Exhibit 22** By: Northern States Power Company	1		● Yes ○ No
87	1/30/2012	**Exhibit 23** By: Northern States Power Company	1		● Yes ○ No
88	1/30/2012	**Exhibit 24** By: Northern States Power Company	1		● Yes ○ No
89	1/30/2012	**Exhibit 25** By: City of Fargo	3		● Yes ○ No
90	1/30/2012	**Exhibit 26** By: City of Fargo	2		● Yes ○ No
91	1/30/2012	**Exhibit 27** By: City of Fargo	1		● Yes ○ No
92	1/30/2012	**Exhibit 28** By: Northern States Power Company	1		● Yes ○ No
93	1/30/2012	**Exhibit 31** By: Northern States Power Company	2		● Yes ○ No
94	1/30/2012	**Exhibit Warren Township 1** By: Warren Township	3		● Yes ○ No
95	1/30/2012	**Exhibit Kraft 1** By: Jennifer Kraft	3		● Yes ○ No
96	1/30/2012	**Exhibits Reinke 1, 2, and 3** By: Northern States Power Company	3		● Yes ○ No
97	1/30/2012	**Exhibit Reinke 4** By: Northern States Power Company	1		● Yes ○ No
98	1/30/2012	**Exhibit Bice 1** By: Northern States Power Company	1		● Yes ○ No
99	1/30/2012	**Exhibit Hillman 1** By: City of Mapleton	1		● Yes ○ No
100	2/1/2012	**Letter closing OAH file** By: Al Wahl, ALJ - Office of Administrative Hearings	1		● Yes ○ No
101	1/30/2012	**Hearing attendance sheet** By: Public Service Commission	2		● Yes ○ No
102	2/27/2012	**Late filed exhibits** By: Northern States Power Company	124		● Yes ○ No
103	4/11/2012	**Proposed Findings of Fact, Conclusions of Law and Order** By: Northern States Power Company by Darrin Lahr	11		● Yes ○ No

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
104	4/18/2012	**Local permits received after January 30, 2012 hearing** By: Northern States Power Company by Darrin F. Lahr	8		● Yes ○ No
105	4/19/2012	**Electronic record of work session** By: Public Service Commission	1		○ Yes ● No
106	5/2/2012	**Statement for legal services** By: Mitch Armstrong - Smith Bakke Porsborg Schweigert & Armstrong	2		○ Yes ● No
107	6/7/2012	**Amendment to late-filed Exhibit 32 - Affidavit of Darrin Lahr and Schedules 1 to 4** By: Northern States Power Company by Darrin Lahr			● Yes ○ No
108	6/18/2012	**Electronic record of work session** By: Public Service Commission	1		○ Yes ● No
109	6/14/2012	**Pleasant Township's resolution for conditional use permit** By: Northern States Power Company by Darrin F. Lahr	2		● Yes ○ No
110	7/2/2012	**Letter forwarding City of Mapleton Conditional Use Permit** By: Northern States Power Company by Darrin F. Lahr	2		● Yes ○ No
111	7/3/2012	**Statement for legal services** By: Mitch Armstrong	2		○ Yes ● No
112	7/2/2012	**Electronic record of work session** By: Public Service Commission	1		○ Yes ● No
113	7/17/2012	**Electronic record of work session** By: Public Service Commission	1		○ Yes ● No
114	8/10/2012	**Brief of Northern States Power Company** By: Northern States Power Company	26		● Yes ○ No
115	8/16/2012	**Electronic record of work session** By: Public Service Commission	1		○ Yes ● No
116	9/12/2012	**Commission Motion adopting Order** By: Public Service Commission	1		● Yes ○ No
117	9/12/2012	**Findings of Fact, Conclusions of Law and Order with dissenting opinion by Commissioner Kevin Cramer** By: Public Service Commission	22		● Yes ○ No
118	9/20/2012	**Affidavit of service cert. & reg. mail- Order** By: Public Service Commission	24		● Yes ○ No
119	9/20/2012	**Affidavit of service reg, inside, email** By: Public Service Commission	28		● Yes ○ No
120	5/7/2012	**Certificate of liability insurance** By: Wenck Associates, Inc.	1		○ Yes ● No
121	10/10/2012	**Commission Motion for construction inspection services** By: Public Service Commission	1		○ Yes ● No
122	10/10/2012	**Fully executed contract for construction inspection services** By: Public Service Commission	8		○ Yes ● No
123	10/15/2012	**APPEAL - Notice of Motion & Motion for Stay, Notice of Appeal, Affidavit of Paul Reinke, Brief** By: Aaland Law Office, Ltd. by Ronald Hettich			○ Yes ● No
124	10/17/2012	**APPEAL - Order - assignment and case number** By: Cass County District Court	1		○ Yes ● No

11/5/2012

Doc	Filed	Description	Pages:	Exhibit:	Cerified to Court
125	10/24/2012	**Commission Motion convening executive session** By: Public Service Commission	1		○ Yes ● No
126	10/25/2012	**APPEAL - Notice of Appearance** By: Smith Bakke Porsborg & Schweigert Attorneys at Law by Mitchell Armstrong	4		○ Yes ● No
127	10/29/2012	**APPEAL - copy of NDPSC Brief in Response to Motion for Stay** By: Smith Bakke Porsborg Schweigert & Armstrong by Mitchell Armstrong	29		○ Yes ● No
128	10/29/2012	**APPEAL - NSP's Notice of Apear., Resp. to Notice of Appeal, Motions to Intervene and to Dismiss, Brief in Opp. to Stay** By: Public Service Commission by Mitch Armstrong	74		○ Yes ● No

STATE OF NORTH DAKOTA

COUNTY OF CASS

IN DISTRICT COURT

EAST CENTRAL JUDICIAL DISTRICT

CIVIL NO. 09-2012-CV-03147

City of Oxbow, Lonni Hayden, Warren Hayden, Kent Buhr, Danise Buhr, Jon Hager, Marcy Hager, Matt Quibell, Craig Jungberg, Colette Jungberg, Todd Miller, Nancy Miller, Vernon Skarie, June Skarie, Callie Schlieman, Brian Nettestad, Jayme Nettestad, Gregg Christensen, Cindy Christensen, Teri Lingen, Curt Lingen, Donna Peterson, Stanley Todd Miller, Jacqueline Miller, Nicole Bice, Dave Zens, Brenda Zens, James Haugrud, Bree Reinke, Paul Reinke, Kathleen Lingen, Chris Lange, Kay Mahar, Paige Plecity, Michael Sorby, Royce Grandlund, Darren Fitch, Matt Peterson, Jim Huesman, Stacey Biewer, Marcus Larson, Colleen Isralson, Tanya Harmon, E. John Carlson, David Harmon, Linda Covell, Don Covell, Daniel Zink, Arden Breimeier, Kristi Houska, Richard Houska, Ray Holzhey, Maria Baker, Ted Johnson, Pat Baker, Karla Slusher, Neal Roesler, Patricia Redlin, Gary Redlin, Jody Slusher, Patrick Reinke, James A. Schlieman, Mary Jane Nipstad, Doug Lingen, Brenda Carlson, Michael Bice, Roger Kotchian, Ryan Binek, Elroy Bakke, Ina Bakke, Raymond Grimen, Debra L. Larson, Noreen Granlund, Curt Bjertness, Gary Cossette

Appellants,

vs.

North Dakota Public Service Commission,

Appellee.

AFFIDAVIT OF SERVICE

*** *** ***

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

Tiffany Heim, being first duly sworn, deposes and states that she is over the age of eighteen years and not a party to the above-entitled matter. That on November 8, 2012, she served a copy of the **CERTIFICATE OF RECORD ON APPEAL** by placing the same in an envelope addressed as follows, which address is the last known address of the party to be so served and depositing the same, with postage prepaid into the United States mails at Bismarck, North Dakota:

Jennifer A. Braun
Ronald K. Hettich
Attorneys at Law
415 11th Street South
P.O. Box 1817
Fargo, ND 58107-1817

Lisa M. Agrimonti
Zeviel T. Simpser
Attorneys at Law
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2157

Tiffany Heim

Tiffany Heim

Subscribed and sworn to before me this 8th day of November, 2012.

SARA FORSBERG
Notary Public
State of North Dakota
My Commission Expires Oct. 16, 2013

Sara Forsberg

Notary Public
Burleigh County, North Dakota
My Commission Expires: