



122 E. Broadway Avenue
Bismarck, ND 58501

December 28, 2012

RECEIVED

DEC 31 2012

PUBLIC SERVICE COMMISSION

P.O. Box 460
Bismarck, ND 58502-0460
Phone (701) 258-0630
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Illona A. Jeffcoat-Sacco
Attorney at Law
Public Service Commission
State Capitol
Bismarck, ND 58505-0480

In re: City of Oxbow, et. al. v. North Dakota Public Service Commission and
Northern States Power Company, a Minnesota Corporation
Civil Number: 09-2012-CV-03147

Dear Ms. Jeffcoat-Sacco:

Enclosed are copies of the following documents with regard to the above-captioned matter:

1. Stipulation to Amend Scheduling Order;
2. (Proposed) Amended Scheduling Order;
3. Notice of Entry of Order; and
4. Order for Substitution of Counsel.

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**
 Jack E. Zuger*

Very truly yours,



MITCHELL D. ARMSTRONG

tmh
enclosures

* Licensed in North Dakota

■ Licensed in Minnesota

● Licensed in South Dakota

* Board Certified Civil Trial
Specialist by National Board
of Trial Advocacy

Jeffcoat-Sacco.11

DEC 28 2012

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

<p>City of Oxbow, et. al.,</p> <p style="text-align: center;">Appellants,</p> <p style="text-align: center;">v.</p> <p>North Dakota Public Service Commission, and Northern States Power Company, a Minnesota corporation.</p> <p style="text-align: center;">Appellees.</p>	<p>Civil No: 09-2012-CV-03147</p> <p style="text-align: center;">STIPULATION TO AMEND SCHEDULING ORDER</p>
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COMES NOW, the parties in the above-captioned matter, by and through the undersigned attorneys, hereby state and stipulate as follows:

Whereas, Paul Reinke has retained new counsel, Sean Foss (Foss), and Reinke desires additional time to prepare his opening brief.

Whereas, the other Appellants and the Public Service Commission are agreeable to a reasonable extension of the briefing schedule to accommodate Reinke;

Whereas, Northern States Power Company is agreeable to a reasonable extension of the briefing schedule provided such extension does not result in a change to the March 18, 2013 hearing date.

NOW THEREFORE, the undersigned hereby jointly request that the Court enter an order amending the Scheduling Order as follows:

1. Appellants' Brief shall be served and filed on or before February 1, 2013.
2. Appellees' Briefs shall be served and filed on or before March 1, 2013.
3. Appellants' Reply Brief shall be served and filed on or before March 14, 2013.
4. The hearing on the matter will be held at 9:00 a.m. on March 18, 2013.

Dated this 20th day of December, 2012.

AALAND LAW OFFICE



JENNIFER A. BRAUN (ND ID #06875)
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P.O. Box 1817
Fargo, ND 58107-1817
Phone: (701) 232-7944
Fax: (701) 232-4037
Attorney for Appellants

Dated this 20th day of December, 2012.

KENNELLY & O'KEEFFE, LTD



SEAN T. FOSS (ND ID #06422)
313 NP Avenue
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Fargo, ND 58107-2105
Phone: (701) 235-8000
Fax: (701) 235-8023
Attorney for Appellant Paul Reinke

Dated this _____ day of December, 2012.

By _____

Mitchell D. Armstrong (ND. ID # 05892)
Special Assistant Attorney General
122 East Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
Phone (701) 258-0630
Attorneys for Appellee, North Dakota Public
Service Commission

Dated this _____ day of December, 2012.

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Attorney for Appellants

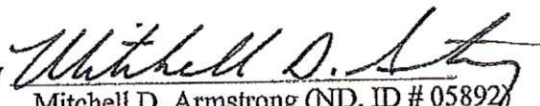
Dated this _____ day of December, 2012.

KENNELLY & O'KEEFE, LTD

SEAN T. FOSS (ND ID #06422)
313 NP Avenue
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Fargo, ND 58107-2105
Phone: (701) 235-8000
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Attorney for Appellant Paul Reinke

Dated this 18th day of December, 2012.

By



Mitchell D. Armstrong (ND. ID # 05892)
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Phone (701) 258-0630
Attorneys for Appellee, North Dakota Public
Service Commission

Dated this 18th day of December, 2012.

BRIGGS AND MORGAN



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Attorney for Appellee, Northern States Power
Company

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

City of Oxbow, et. al.,

Appellants,

v.

North Dakota Public Service Commission,
and Northern States Power Company, a
Minnesota corporation.

Appellees.

Civil No: 09-2012-CV-03147

AMENDED SCHEDULING ORDER

Pursuant to the parties' Stipulation to Amend Scheduling Order,

IT IS HEREBY ORDERED, that the Scheduling Order shall be amended to provide for the deadlines as follows:

1. Appellant's Brief shall be served and filed on or before February 1, 2013.
2. Appellees' Briefs shall be served and filed on or before March 1, 2013.
3. Appellant's Reply Brief shall be served and filed on or before March 14, 2013.

The appeal hearing shall presently remain as scheduled at 9:00 a.m. on March 18, 2013.

Dated this _____ day of December, 2012.

Judge of the District Court

DEC 28 2012

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

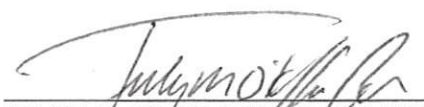
EAST CENTRAL JUDICIAL DISTRICT

<p>City of Oxbow, et. al.,</p> <p style="text-align: center;">Appellants,</p> <p style="text-align: center;">v.</p> <p>North Dakota Public Service Commission, and Northern States Power Company, a Minnesota corporation.</p> <p style="text-align: center;">Appellees.</p>	<p>Civil No: 09-2012-CV-03147</p> <p style="text-align: center;">NOTICE OF ENTRY OF ORDER</p>
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PLEASE TAKE NOTICE that an Order for Substitution of Counsel was duly made, entered, docketed and filed in the above-entitled action on December 17, 2012, and that attached hereto and made a part hereof as though fully set forth herein is a true and correct copy of the Order for Substitution of Counsel so entered, docketed and filed.

Dated this 21st day of December, 2012.

KENNELLY & O'KEEFFE, LTD



SEAN T. FOSS (ND ID #06422)
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 Attorney for Appellant Paul Reinke

DEC 28 2012

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

City of Oxbow, et. al.,

Appellants,

Civil No: 09-2012-CV-03147

v.

North Dakota Public Service Commission,
and Northern States Power Company, a
Minnesota corporation.

**ORDER FOR SUBSTITUTION
OF COUNSEL**

Appellees.

Pursuant to the Stipulation for Substitution of Counsel,

IT IS HEREBY ORDERED that counsel of record for Appellant Paul Reinke is hereby changed from Ronald Hettich and Jennifer Braun, Aaland Law Office Fargo, North Dakota to Sean T. Foss, Kennelly & O'Keeffe, Fargo, North Dakota. The substitution will be effective immediately.

Dated this 17th day of December, 2012.


Judge of the District Court

FILED-CLERK OF DISTRICT COURT

DEC 18 2012 

CASS COUNTY, ND 66

Filed - Clerk of District Court
12/17/2012 10:04:46 AM
Cass County, ND