

RECEIVED

STATE OF NORTH DAKOTA

SEP 23 2008

IN DISTRICT COURT

COUNTY OF BURLEIGH

PUBLIC SERVICE COMMISSION

SOUTHWEST JUDICIAL DISTRICT

CIVIL NO. 08-08-C-1474

RES Americas, Inc. PEAKWIND
Development LLC, and Burchill Farms
Incorporated ,
Appellants,

vs.

Public Service Commission and
Minnkota Power Cooperative, Inc.,
Appellees.

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
COUNTY OF MORTON) ss.

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 23 day of September, 2008, this affiant served by electronic mail and 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:

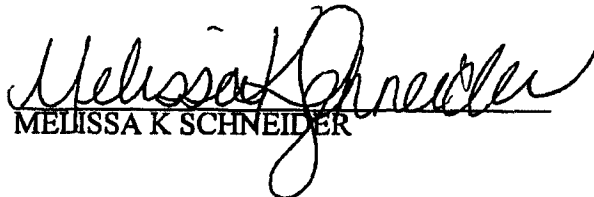
1. Notice of Rule 3.2 Motion Pursuant to North Dakota Local Rules of Court
2. Motion for Request for Reply Brief and 1 Hour Oral Argument

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

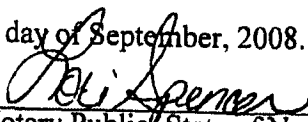
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PUBLIC SERVICE COMMISSION
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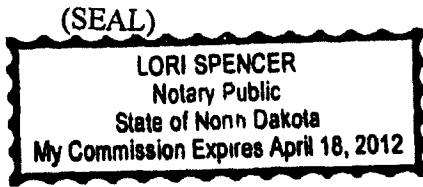
WAYNE STENEHJEM
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DEPARTMENT 125
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MELISSA K SCHNEIDER

Subscribed and sworn to before me this 23 day of September, 2008.



Notary Public, State of North Dakota



STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

RES Americas Inc., PEAK Wind Development LLC, and Burchill Farms Incorporated,

Appellants,

vs.

Public Service Commission and Minnkota Power Cooperative, Inc.,

Appellees.

Civil No. 08-08-C-1474

Agency Case No. PU-08-48

NOTICE OF MOTION PURSUANT TO RULE 3.2 OF NORTH DAKOTA LOCAL RULES OF COURT

TO ALL PARTIES AND THEIR ATTORNEYS:

YOU WILL PLEASE TAKE NOTICE That the undersigned has made and filed a Motion pursuant to Rule 3.2 of the North Dakota Local Rules of Court, a copy of which Motion and accompanying brief are herewith served upon you.

Pursuant to Rule 3.2, you have ten (10) days after service of the brief within which to serve and file an answer brief and other supporting papers. Upon the filing of briefs, or upon the expiration of the time for filing, the Motion is deemed submitted to the Court unless you or any party requests a hearing on the Motion. A request for a hearing must be made not later than 5 days after expiration of the time for filing briefs.

If you fail to file a brief, it is an admission by you that, in your opinion, the Motion is meritorious. Upon failure to file a brief by you, the Court may, without further notice to you, grant the relief requested in the Motion.

The Appellants are requesting a 1 hour oral argument.

Dated this 22 day of September, 2008.



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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

RES Americas Inc., PEAK Wind)
 Development LLC, and Burchill Farms)
 Incorporated,)
)
 Appellants,)
)
 vs.)
)
 Public Service Commission and)
 Minnkota Power Cooperative, Inc.,)
)
 Appellees.)

Civil No. 08-08-C-1474

Agency Case No. PU-08-48

**MOTION FOR REQUEST FOR
REPLY BRIEF AND FOR 1
HOUR ORAL ARGUMENT**

COMES NOW Appellants RES Americas Inc., PEAK Wind Development LLC, and Burchill Farms and request the ability to file a Reply Brief to Appellees Brief and to request one hour oral argument on the Motion.

Appellees raised issues in its brief that Appellants find necessary to reply to and Appellants request the Court schedule a 1 hour oral argument on this matter.

Dated this 23 day of September, 2008.



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