



ATTORNEYS AT LAW

314 EAST THAYER AVENUE • P.O. BOX 400 • BISMARCK, ND 58502
TELEPHONE (701) 223-2890 • FAX (701) 223-7865 • www.pearce-durick.com

JEROME C. KETTLESON
jck@pearce-durick.com

October 1, 2008

RECEIVED

OCT 02 2008

PUBLIC SERVICE COMMISSION

Ms. Debra Simenson
Clerk of Court
Burleigh County Courthouse
P.O. Box 1055
Bismarck, ND 58502-1055

RE: RES Americas Inc., et al v. Public Service Commission, et al
Civil No. 08-08-1474

Dear Ms. Simenson:

Enclosed for filing please find Minnkota Power Cooperative, Inc.'s Response to Appellants' Motion for Request for Reply Brief and for 1 Hour Oral Argument along with an Affidavit of Service.

Thank you for your attention to this filing.

Sincerely,

PEARCE & DURICK



JEROME C. KETTLESON

JCK/ak
Enclosures

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,

Civil No. 08-08-1474

Appellants,

MINNKOTA POWER COOPERATIVE, INC.'S RESPONSE TO APPELLANTS' MOTION FOR REQUEST FOR REPLY BRIEF AND FOR 1 HOUR ORAL ARGUMENT

vs.


Public Service Commission and Minnkota Power Cooperative, Inc.,

Appellees.

The applicable legal issues have been more than adequately framed by the parties. Minnkota Power Cooperative, Inc. ("Minnkota") does not believe a reply brief is necessary for the Court to determine the merits of this case. Minnkota does not request oral argument at this time.

Dated this 1 day of October, 2008.

PEARCE & DURICK

By 

JEROME C. KETTLESON, # 03095
Individually and as a Member of the Firm
Attorneys for Minnkota Power Cooperative
P.O. Box 400
Bismarck, ND 58502-0400
(701) 223-2890

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,

Civil No. 08-08-1474

Appellants,

AFFIDAVIT OF SERVICE

Vs.

Public Service Commission and Minnkota Power Cooperative, Inc.,

Appellees.

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

Annette Kirschenheiter, being first duly sworn, on oath, deposes and says: That she is over the age of eighteen and not a party to the above-entitled action.

That on the 1st day of October, 2008, this affiant deposited in the United States Post Office at Bismarck, ND, a true and correct copy of the following document in the above-entitled action:

MINNKOTA POWER COOPERATIVE, INC.'S RESPONSE TO APPELLANTS' MOTION FOR REQUEST FOR REPLY BRIEF AND FOR 1 HOUR ORAL ARGUMENT

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

Thomas D. Kelsch
Kelsch, Kelsch, Ruff & Kranda
103 Collins Avenue
P.O. Box 1266
Mandan, ND 58554-7266

Wayne Stenehjem
Attorney General
600 E. Boulevard Avenue, Dept. 125
Bismarck, ND 58505

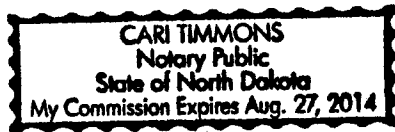
Ilona Jeffcoat-Sacco
Public Service Commission
State Capitol Building
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

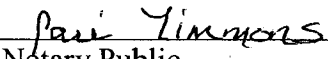
To the best of affiant's knowledge, information and belief, such address as given above was the actual post office address of the party intended to be so served.

That the above document was duly served in accordance with the provisions of the North Dakota Rules of Civil Procedure.


Annette Kirschenheiter

Subscribed and sworn to before me this 1st day of October, 2008.




Notary Public